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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

PLANNING COMMISSION

MEETING DATE October 26, 2005	CONTACT/PHONE John McKenzie 781-5452	APPLICANT Ken Craig/ Lucia Mar Unified School District	FILE NO. G990025M
SUBJECT A request by Ken Craig and Lucia Mar Unified School District to amend Section 22.112.040 of the County Land Use Ordinance, Title 22 of the County Code, and the County Land Use Element (South County-Inland Area Plan) for a land use category change of a forty (40) acre area in the Residential Rural (RR) land use category to: 20.41 acres of Recreation (to accommodate up to sixteen (16) residential lots); and 19.59 acres of Public Facilities (for use by Lucia Mar Unified School District for a future Middle School [800 student]) or Recreation (for passive recreational use). The site is located on the northwest corner of Willow Road and Via Concha Road, immediately west of Black Lake Village, west of the community of Nipomo. The site is in the South County (Inland) planning area.			
RECOMMENDED ACTION Recommend to the Board of Supervisors to: <ol style="list-style-type: none">1. Certify the Environmental Impact Report, in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.2. Approve the Land Use Ordinance/Land Use Element Amendment, based on the findings listed in Exhibit A and Exhibit D (CEQA Findings and Overriding Considerations) and the Planning Area Standards listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator, after completion of the initial study, finds that there is evidence that the project may have a significant effect on the environment, and therefore a Final Environmental Impact Report (FEIR) was prepared (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for this project. The FEIR addresses potential impacts on: water, traffic, cumulative and growth inducing. Mitigation measures are proposed to address these impacts and are included as planning area standards. Overriding considerations were determined necessary based on significant and unavoidable impacts associated with cumulative water impacts.			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 091-181-031 & -032	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: None			
LAND USE ORDINANCE STANDARDS: None			
EXISTING USES: None			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Rural, large-lot residences, avocado groves <i>East:</i> Recreation/Residences, golf course <i>South:</i> Residential Rural, large-lot residences <i>West:</i> Residential Rural, large-lot residences, previous strawberry fields			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Nipomo Community Advisory Group, Public Works, Environmental Health, Ag Commissioner, County Parks, CDF, Nipomo Community Services District, APCD, Department of Fish and Game	
TOPOGRAPHY: Nearly level to gently sloping	VEGETATION: Recently removed eucalyptus forest; currently grasses, chaparral
PROPOSED SERVICES: Water supply: On-site well/Community system/NCSD Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: July 11, 2000

PROJECT HISTORY

In July, 2000, a request was authorized to change 40 acres from Residential Rural to Recreation to allow 16 homes over an 8 acre area, with the balance to be considered for Lucia Mar acquisition. In 2001, the San Luis Obispo County Board of Supervisors (Board) directed that the project consist of about ½ of the 40 acres go to Residential Suburban and the remaining portion change to Public Facilities. It was intended that the Public Facilities portion would be donated to the Lucia Mar Unified School District for a future elementary or middle school (who now own the property). The Board further directed that if the school were not constructed, then the Public Facilities would be used for passive open space. Subsequently, County staff included the Recreation category as an option instead of the proposed Residential Suburban to be more consistent with the "purpose and character" of the property and surrounding uses.

In 2001, a Negative Declaration was issued, per Board direction, and in 2002, the Board approved the change of the 40-acre Residential Rural parcel to Recreation and Public Facilities. This approval included several environmental standards relating to: biological resources (protecting trees), drainage, school noise, traffic, visibility, agricultural compatibility, and safety hazards (from adjacent golf course).

Shortly after this approval, a public lot on approximately 20 of the 40 acres was created at the request of the District for a future school.

Following the Board's decision, a lawsuit was filed challenging the approval of the project. The courts determined that potentially significant environmental impacts could result from the proposed project, and that preparation of an EIR was necessary. As part of the court ruling, the following four issues were identified as potentially significant that warranted consideration in a focused EIR: water resources, traffic, cumulative, and growth inducing. The courts did not identify any other issues as potentially significant.

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PROJECT ANALYSIS

Ordinance Compliance:

<u>Standard</u>	<u>Allowed/Required</u>		<u>Proposed</u>	
Minimum Site Area	<u>REC</u> 20 acres to one acre (outside VRL) & to 6,000 sf (inside VRL) Cluster –min. of 6,000 sf w/ 90% open space	<u>PF</u> 6,000 sq. ft.	<u>REC</u> Clustering with ½-acre lot and remaining 12 ac. area for open space	<u>PF</u> 20 acres
Setbacks Front Side Rear	10 ft. 3-30 ft. depending on net acreage 10-15 ft.	25 ft. 30 ft. 30 ft.	No specific development included as a part of LUO/LUE request	
Height	35 ft.	45 ft.	No specific development included as a part of LUO/LUE request	
Parking (<i>where applicable</i>)	2 per dwelling	2 spaces per classroom + one per 100 sf of admin/ clerical + additional spaces when gym or other public/ sports assembly facility incl.	No specific development included as a part of LUO/LUE request	

AUTHORITY

The Land Use Element sets forth the authority by which the general plan can be amended. The Planning Commission and Board of Supervisors must consider of the following factors pursuant to the Land Use Element:

- Necessity.** Relationship to other existing policies, including the guidelines for land use category amendments in Chapter 6, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- Timing.** Whether the proposed amendment is unnecessary or premature in relation to the inventory of similarly designated land and the timing of projected growth.
- Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed amendment should be expanded or reduced in order to consider surrounding conditions in the evaluation.

MAJOR ISSUES

The following major issues raised with this amendment are:

1. Should the Nipomo Community Services District Service boundary be extended to include the project to address cumulative water impacts?
2. How will impacts from nearby agricultural activities be addressed?
3. How will school impacts be addressed?
4. Is the request consistent with applicable Land Use Element plan policies relating to the purpose and character statements for the requested Recreation and Public Facilities land use categories?
5. Does the request represent a logical extension of the Recreation land use category?

Water Service

Currently, a well exists on the subject property. Based on nearby production wells, on-site water availability is expected to have adequate quantities to serve the development. The applicant is proposing to establish a small water company and not connect to the Nipomo Community Service District's system, which serves the adjacent Black Lake village. The District originally stated they could serve this development, but have recently expressed they would not be willing to serve the development unless supplemental water is secured. The District is currently in the process of working with other Mesa water purveyors to import between 1,000 and 8,000 acre-feet/year from the City of Santa Maria. The District has also recently completed an Urban Water Management Plan and adopted policies to reduce water consumption by 15% within the next decade. The EIR has identified that this project will add to the potentially significant cumulative water impact on the Nipomo Mesa groundwater sub-area, which is nearing its capacity to provide water to future users. To effectively reduce water consumption, the EIR recommends that the project hook into the District's water system. Based on this, staff has included a standard that requires the residential portion of the development to connect to the District.

Agricultural Resources

The project was originally referred to the Department of Agriculture back in 2001, as a part of a larger packet of amendments that were being processed at the time. They had general comments of concern relating to impacts on nearby agriculture (in this case an avocado orchard to the north and west), and identified the possible need for setbacks and fencing. Avocado orchards require the aerial spraying of restricted pesticides. Subsequently, as a part of the EIR process (NOP), they expressed a greater level of concern (specifying a 500 foot buffer would be likely). Based on recent conversation with the Department (Lynda Auchinachae, September 28, 2005), they have expressed additional concerns where the Department now does not think there is adequate area on the PF property to get the children far enough away to avoid significant exposure to these restricted pesticides. As occurred on the property immediately to the west of the subject property (recently in strawberry production), installation of a school may further result in surrounding commercial agriculture to abandon their successful operations. Based on this discussion, staff is recommending that a standard be added to address this issue.

School Impacts

Should this amendment be approved for the Public Facility designation with eventual installation of a middle school, the only subsequent county permit will be an encroachment permit from County Public Works. When specific development is proposed, the school district will act as the Lead Agency and work through its own environmental review process and eventually receive approval at the state level. With the exception of traffic improvements, it is unknown to what extent the District will incorporate any environmental mitigation that would otherwise be required at the county level to address a range of potential issues, such as water conservation, rural character and noise, etc.

Previous Approval/Negative Declaration

The previously approved project and negative declaration included standards that were approved to primarily address a number of environmental issues that were not identified by the court as needing additional environmental review. The previous Negative Declaration recognized the following potential issues that may warrant mitigation from future development:

- a. Visual impacts adjacent to heavily traveled road and the need to retain rural character;
- b. Agricultural conflicts with school property and surrounding ag operations;
- c. Sensitive biological resources in close proximity,
- d. Partial survey showing presence of cultural resources;
- e. Future noise levels from Willow Road and proposed school;
- f. Traffic impacts; and
- g. Water impacts.

Previous standards have been carried forward and modified as needed, as well as additional standards are proposed to address these issues.

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in Exhibit G. These criteria include: consistency with existing goals and policies in the general plan; consistency with the applicable purpose and character statements; compatibility with the character of the general area; convenient access to a road system in the area that is adequate to accommodate the traffic generated; and whether the site is suitable for on-site sewage disposal and has an adequate groundwater supply.

General Goals of the Land Use Element

The following general goals describe the fundamental purposes for the Land Use Element and Circulation Element. These general goals provide the basis for defining the 13 land use categories and for determining the land areas to which they are applied. More detailed goals, objectives and policies that address specific planning issues are presented in the other chapters of this report and in the area plans. The provisions of the Land Use and Circulation Elements are designed to carry out these goals. Proposed amendments to specific policies or the land

use category maps should also carry out these goals. The policies and provisions of the Land Use Element should:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.
- Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities, and their programmed expansion where funding has been identified.
- Encourage the phasing of urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to existing development.
- Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses.
- Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.
- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.
- Locate new and additional public service facilities on existing public lands where feasible, allowing for sufficient buffers to protect adjacent rural and agricultural areas.

A complete listing of the General Goals of the Land Use Element is included in Exhibit F.

Changing the site from Residential Rural to Recreation and Recreation, Public Facilities to allow development of 16 residential lots and a middle school appears to be consistent with a number of the general goals listed above. The Recreation land use category exists directly across the street, so development of this property in a manner that is similar to the Black Lake village area could be considered infill development and would be consistent with density and intensity of the uses that are currently developed in the Black Lake village area. The school facilities are meeting a public need in the area, especially as the Woodlands development to the south is completed.

Purpose and Character Statements - Framework for Planning

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See Exhibit H). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

The purpose for the Recreation land use category is:

- a. To identify areas having recreational potential where private or public development of recreational uses can be encouraged when not in conflict with surrounding rural and agricultural uses.

- b. To allow for recreation and resort-oriented development that will be incidental to outdoor recreation on the same site.
- c. To allow recreation and resort-oriented development where significant public recreational resources are available in the immediate vicinity.
- d. To provide for public park and recreation areas when not in conflict with surrounding rural and agricultural land uses.

The purpose for the Public Facilities land use category is:

- a. To identify lands and structures committed to public facilities and public agency uses that benefit the public. For proposed public facilities, where site selection has not occurred, site selection criteria are included in the chapter entitled "Combining Designations and Proposed Public Facilities," with development guidelines for establishing the uses.
- b. To provide areas for development of public facilities to meet public needs.
- c. To identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served.
- d. To identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

The proposed site generally meets these purpose statements. The Recreation category exists directly across the street, so this request would be a logical extension of the Recreation land use category and the density proposed is consistent with the density set by Table N of the Land Use Element - Framework for Planning for residential in Recreation outside of an urban or village reserve area. Designating the site with another land use category (such as Residential Suburban) would not be consistent with the policies and goals of the General Plan as it would be a "spot" of zoning - not a logical extension of an existing land use category and would not conform to the purpose and character statements of the Land Use Element - Framework for Planning which requires Residential Suburban land use categories to be located within urban and village reserve lines. Because the Recreation land use category allows for a number of uses, this site will be restricted to residential and their accessory uses only, and will be limited to the creation of 16 lots with 16 residences. This will make this site consistent with surrounding lands developed with residential uses within the Black Lake Golf Course community. The Public Facility portion of the site will be used for development of a public facility/ middle school, which will meet a known public need and is supportive of the School District's plans for facilities in the South County area. If the school district does not acquire the property, the uses will be restricted to open space uses.

PROPOSED SOUTH COUNTY AREA PLAN STANDARDS

To implement to proposed General Plan Amendment, Chapter 22.112.040.E (Article 9 of the County Land Use Ordinance, South County Plan Area, Rural Area, Recreation) would be changed by adding new standards that are shown in Exhibit G990025M:B.

COMMUNITY ADVISORY GROUP COMMENTS: Original comments generally supporting addition of a new school site on the mesa, but express some concerns over water, traffic and air quality; did not support moving the VRL line; support of up to 16 residential units in Recreation

AGENCY REVIEW:

Public Works - identified potential concerns with Via Concha/Willow Road intersection, and makes recommendations to achieve acceptable operating conditions;
Environmental Health – No comments;
Ag Commissioner – Original comments identified potential need for setbacks/fencing; subsequent comments identify greater health risks to school children;
County Parks – No comments;
CDF – No comments;
Nipomo Community Services District – At authorization, they initially stated they would be able to provide water service; subsequently, as new policy was adopted and change of District Board/ Management occurred, the District's current position is not to serve until such time that supplemental water is available;
APCD – Recommends denial of the residential portion, based on Clean Air Plan inconsistencies of increasing residential densities outside of urban or village areas;
Department of Fish and Game – Response focuses on CDFG payment of their processing fee (\$850).

EXHIBITS

Exhibit A -- Findings
Exhibit B -- G990025M:B - Proposed Planning Area Standards
Exhibit C -- G990025M:A – Proposed Land Use Category Map Changes
Exhibit D -- CEQA Findings and Overriding Considerations
Exhibit E -- Previously-approved Staff Report, Negative Declaration, Initial Study and Agency referral responses
Exhibit F -- General Goals of the Land Use Element
Exhibit G -- Guidelines for Land Use Category Amendments
Exhibit H -- Purpose and Character Statements for Residential Rural, Recreation, and Public Facilities
Exhibit I – Final Environmental Impact Report for the Craig/Lucia Mar Unified School District Land Use Ordinance Amendment (Clerk's File)

EXHIBIT A - FINDINGS

Environmental Determination

- A. The Board of Supervisors find that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in more detail in the Craig/Lucia Mar USD LUO/LUE Amendment Final EIR.
- B. The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

Land Use Ordinance/Land Use Element FINDINGS - G990025M

- C. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because all proposed uses, as limited by the existing planning area standard, are allowed under Table N for the Recreation and Public Facilities land use category.
- D. The proposed amendment is consistent with the guidelines for amendments to land use categories as the site is a logical extension of the Recreation and Public Facilities land use categories consistent with applicable policies of the general plan, and the site can physically accommodate the use.
- E. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area in conformance with the existing and proposed planning area standards.
- F. The proposed amendment is consistent with the purpose and character statements in the Land Use Element of the general plan for the Recreation and Public Facilities land use categories as it is adjacent to the Black Lake Golf Course community which is within the Recreation category and the density proposed is consistent with the density of the Black Lake and consistent with surrounding lands developed with residential uses within the Black Lake Golf Course community. The Public Facility portion of the site will be used for development of a public facility/middle school, which will meet a known public need and is supportive of the School District's plans for facilities in the South County area. If the school district does not acquire the property, the uses will be restricted to open space uses.
- G. On the basis of the Initial Study, Environmental Impact Report and any comments received, there is evidence that the project will have a significant cumulative effect on water resources, and overriding considerations need to be made (see Exhibit D).

- ## EXHIBIT B - Proposed Planning Area Standards

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- c. **Cluster Land Division Incentive.** Cluster divisions of land may use an open space parcel area that is smaller than otherwise required by Land Use Ordinance Chapter 22.22 where an important biological habitat, or public use for passive recreational purposes is identified through the application's review process. The size of the open space shall be no less than 60%. The analysis shall identify the area that can best accommodate the sensitive biological resources, passive recreational needs, school access and still provide for the allowed residential density.
- d. **Allowed Density.** The maximum allowable residential density within the area shown as Area A in Figure 112-24 is one dwelling unit per parcel.
- e. **Drainage.** All drainage from future development shall be retained on site.
- f. **Rural Character.** To provide for rural character, as seen from Willow Road and Via Concha, all future development shall provide sufficient landscaping to accomplish an 80% screening of new development within 5 years of planting and limit night lighting so that it is directed down and into the development with no direct light visible from surrounding public roads;
- g. **Future School Access.** As a part of any future land division, an access easement onto Via Concha shall be provided for the future school site to the west.
- h. **Willow Road/Via Concha Intersection.** Based on the cumulative traffic impacts of residential development and the future school on the adjacent Public Facilities property, the following shall be completed as a part of any residential development:
 - (1) Submittal of a Signal Design Plan for the installation of a traffic signal at the Willow Road/Via Concha Road intersection, for review and approval by the County of San Luis Obispo Department of Public Works.
 - (2) Prior to recordation of final map, the applicant shall install signal poles with luminaries only and install traffic signal conduit at the northwest and southeast corners of the Willow Road and Via Concha Road intersection, as recommended by the San Luis Obispo County Department of Public Works.
- i. **Water Service.** Prior to recordation of final map for residential development, the property shall annex to the Nipomo Community Service District for water service. An "intent-to-serve" letter from the NCSO shall be provided with application for land division.
- j. **Water Usage.** All feasible water conservation measures shall be incorporated into future residential development. All landscaping shall be low water using and drought tolerant. Turf areas shall be minimized.
- k. **Noise.** Future subdivision design shall demonstrate how all outdoor use areas will not exceed the exterior noise threshold of 60 db when buildout traffic is reached on Willow Road.
- l. **Biological Resources.** Prior to approval of future development, a botanical assessment (conducted at proper time of year) shall be prepared to evaluate for

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potentially sensitive species. All efforts shall be made to avoid any sensitive species found.

- m. **Archaeological Resources.** Prior to approval of future development, the entire property shall be evaluated for archaeological resources. Any future land division shall be designed in a manner that first considers avoiding known resources and if not possible, fully mitigate potential impacts.
- n. **Safety - Golf Hazards.** As a part of any land division or residential building permit submittal, the application shall show how the project will maximize protection of development from potential golf hazards of the adjacent golf course.

SECTION 2: Section 22.112.040 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by adding new Section F as follows:

- F. **Recreation (REC) / Public Facilities (PF).** The following standards apply within the Recreation/Public Facilities land use category in the rural portions of the South County planning area.
 - 1. **North west corner of Willow and Via Concha.** The following standards apply only to the property shown as Area B in Figure 112-24.
 - a. **Limitation on Use.**
 - (1) Land uses within the REC/ PF land use category shall be limited to: Schools - Elementary and Secondary if the site is acquired and developed by the Lucia Mar Unified School District
 - (2) Land uses within the REC/ PF land use category shall be limited to Crop Production and Grazing, Outdoor Sports and Recreation, Parks, and active and passive Open Space if the site is not acquired and developed by the Lucia Mar Unified School District.
 - b. **Drainage.** All drainage from future development shall be retained on site.
 - c. **Rural Character.** To maintain a rural character, as seen from Willow Road, all future development shall provide sufficient landscaping to accomplish an 80% screening of new development and limit night lighting so that it is directed down and into the development with no direct light visible from surrounding public roads.
 - d. **Willow Road/Via Concha Access.** Prior to issuance of a county encroachment permit for school access:
 - (1) Public Works shall review proposed project's circulation plan to verify that Via Concha access is used for all traffic ingress/egress and adequately sized for bus movements. If any egress onto Willow Road is proposed, it must be shown to Public Works satisfaction how left-turn movement will be avoided.

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- (2) The LMUSD shall install a traffic signal at the intersection of Willow Road and Via Concha Road, in accordance with the approved Signal Design Plan. If a Signal Design Plan has not yet been prepared, the District will prepare such a Plan for approval by County Public Works.

- e. **Agricultural Resources.** As long as commercial agricultural activities to the north and west remain, the following shall apply. Future school design shall place all outdoor activity areas along the southeastern portion of the property to be as far from existing agricultural operations. Extensive landscape planting of trees and shrubs shall be completed along the north and west perimeters with the intent of providing a solid screen of evergreen vegetation to intercept aerial pesticide drift. All habitable buildings shall include air conditioning units with air purifying filters that are regularly maintained. The District shall work with the County Agricultural Commissioner's Office to verify these measures have been installed in a manner that maximizes protection of human health. The District will consider incorporating any other protective measures recommended by the Agricultural Commissioner's Office.

SECTION 3. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, certifies that the Final Environmental Impact Report (FEIR) has been prepared and completed in compliance with the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the amendments and that the FEIR reflects the lead agency's independent judgement and analysis. Further, the Board of Supervisors hereby adopts the recommended findings of the County Environmental Coordinator which are attached hereto and incorporated herein as though fully set forth.

SECTION 4. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of August, _____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, _____, by the following roll call vote, to wit:

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AYES:

NOES:

ABSENT: None

ABSTAINING: None

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By: _____
Deputy County Counsel

Dated: _____

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EXHIBIT D

CEQA Findings and Overriding Considerations

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EXHIBIT D

TO: PLANNING COMMISSION
FROM: JOHN McKENZIE, ENVIRONMENTAL DIVISION
DATE: October 26, 2005
SUBJECT: Submittal of CEQA Required Findings and Statement of
Overriding Considerations for Craig/Lucia Mar Unified School
District Land Use Ordinance/Land Use Element Amendment;
G990025M

I. PROJECT DESCRIPTION

The proposed project by Craig Family Trust/Lucia Mar Unified School District is requesting to amend the County Land Use Ordinance and Land Use Element to allow for a land use category change on a forty (40) acre area in the Residential Rural (RR) land use category to: 20.41 acres of Recreation (to accommodate up to sixteen (16) residential lots); and 19.59 acres of either Public Facilities (for use by Lucia Mar Unified School District for a future Middle School [800 student]) or Recreation (for passive recreational use).

The proposed project is located at the northwest corner of Willow Road and Via Concha Road, immediately west of Black Lake Village, west of the community of Nipomo in the southern portion of San Luis Obispo County

The project and alternatives are described in more detail in the Craig/Lucia Mar Unified School District Land Use Ordinance Amendment Final EIR, and Appendices thereto, and the staff report accompanying these findings.

Eight project alternatives were selected for review in the EIR because of their potential to avoid or substantially lessen project impacts, or because they were required under CEQA Guidelines (e.g., the no project alternative).

After the No Project alternative, the Reduced Density Alternative is considered the Environmentally Superior Alternative. Overall, this alternative would result in impact levels that are the least severe of the other project alternatives. The Reduced Density Alternative is the environmentally superior alternative because it accomplishes most of the basic objectives of the project, and avoids or substantially lessens almost all of the project-related significant environmental effects. The Reduced Density Alternative is superior to all other alternatives and the proposed project. All identified Class I impacts would be fully mitigated (i.e., reduced to less than significant levels), with the exception of cumulative water resources.

History

In July, 2000, a request was authorized to change 40 acres from Residential Rural to Recreation to allow 16 homes over an 8 acre area, with the balance to be considered for Lucia Mar acquisition. In 2001, the San Luis Obispo County Board of Supervisors (Board) directed that the project consist of about ½ of the 40 acres go to Residential Suburban and the remaining portion change to Public Facilities. It was intended that the Public Facilities portion would be donated to the Lucia Mar

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Unified School District for a future elementary or middle school (who now own the property). The Board further directed that if the school were not constructed, then the Public Facilities would be used for passive open space. Subsequently, County staff included the Recreation category as an option instead of the proposed Residential Suburban to be more consistent with the “purpose and character” of the property and surrounding uses.

In 2001, a Negative Declaration was issued, per Board direction, and in 2002, the Board approved the change of the 40-acre Residential Rural parcel to Recreation and Public Facilities. This approval included several environmental standards relating to: biological resources (protecting trees), drainage, school noise, traffic, visibility, agricultural compatibility, and safety hazards (from adjacent golf course).

Shortly after this approval, a public lot of approximately 20 of the 40 acres was created at the request of the District for a future school.

Following the Board’s decision, a lawsuit was filed challenging the approval of the project. The courts determined that potentially significant environmental impacts could result from the proposed project, and that preparation of an EIR was necessary. As part of the court settlement, the following four issues were identified as potentially significant that warranted consideration in a focused EIR: water resources, traffic, cumulative, and growth inducing. No other issues were identified by the courts as potentially significant.

II. THE RECORD

For the purposes of CEQA and the Findings IV-V, the record of the Planning Commission and Board of Supervisors relating to the application includes:

1. Documentary and oral evidence received and reviewed by the Planning Commission and Board of Supervisors during the public hearings on the project.
2. The Court Judgment for Writ of Mandate and Decision of Save The Mesa, Inc. vs. County of San Luis Obispo (Respondents – Ken Craig, Lucia Mar District) filed December 12, 2003 (Case No.: CV020408).
3. The Craig Family Trust/Lucia Mar Unified School District Land Use Ordinance Amendment Final EIR, circulated in September, 2005.
4. The Craig Family Trust/Lucia Mar Unified School District Land Use Ordinance Amendment application and supporting materials.
5. The Craig Family Trust/Lucia Mar Unified School District Staff Report prepared for the Planning Commission/Board of Supervisors.
6. Matters of common knowledge to the Commission/Board which it considers, such as:
 - a. The County General Plan, including the land use maps and elements thereof;
 - b. The text of the Land Use Element;
 - c. The California Environmental Quality Act (CEQA) and the CEQA Guidelines.
 - d. The County of San Luis Obispo Environmental Quality Act Guidelines;
 - e. The County Annual Resources Summary Report;

- f. The Clean Air Plan, and South County Air Quality Mitigation Program;
- g. The SLO County Public Facilities Financing Plan;
- h. The Countywide Settlement Pattern Strategy Phase 1 and 2 Reports;
- i. The Countywide Growth Management Ordinance;
- j. Other formally adopted County, State and Federal regulations, statutes, policies, and ordinances;
- k. Additional documents referenced in the Final EIR for the Craig Family Trust/Lucia Mar Unified School District Land Use Ordinance/Land Use Element Amendment.

III. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The Board of Supervisors recommends to certify the following with respect to the Craig Family Trust/Lucia Mar Unified School District Land Use Ordinance Amendment Final EIR:

- A. The Board of Supervisors has reviewed and considered the Craig Family Trust/Lucia Mar Unified School District Land Use Ordinance Amendment Final EIR.
- B. The Final Environmental Impact Report for the Craig Family Trust/Lucia Mar Unified School District Land Use Ordinance Amendment has been completed in compliance with the California Environmental Quality Act.
- C. The Final Environmental Impact Report, and all related public comments and responses have been presented to the Planning Commission and Board of Supervisors, and they have reviewed and considered the information contained in the Final Environmental Impact Report and testimony presented at the public hearings prior to approving the Craig Family Trust/Lucia Mar Unified School District Land Use Ordinance/Land Use Element Amendment.
- D. The Craig Family Trust/Lucia Mar Unified School District Land Use Ordinance Amendment Final EIR reflects the independent judgment of the Board of Supervisors, acting as the lead agency for the project.

IV. FINDINGS FOR IMPACTS IDENTIFIED AS INSIGNIFICANT (Class III)

The findings below are for Class III impacts. Class III impacts are impacts that are adverse, but not significant.

- A. **TRANSPORTATION/CIRCULATION (Class III)**
 - 1. **TC Impact 1.** The proposed project would add 436 A.M. peak hour trips and 136 P.M. peak hour trips to the study area intersections, resulting in intersection capacities ranging from LOS A to LOS C.
 - a. **Mitigation** - None determined needed.
 - b. **Findings** - The intersection capacities will not exceed the County's threshold and would result in less than significant impacts.
 - c. **Supportive Evidence** - Please refer to pages V.A.14 through 17 of the Final EIR.

2. **TC Impact 2.** The proposed project would result in the addition of 1,449 ADT to the study area roadways, resulting in adverse but insignificant impacts.
 - a. **Mitigation** - None determined needed.
 - b. **Findings** - Insignificant.
 - c. **Supportive Evidence** - Please refer to page V.A. 17 of the Final EIR.
 3. **TC Impact 5.** The proposed project would result in the addition of 1,449 ADT to the study-area roadways under General Plan Buildout plus Project conditions, resulting in less than significant impacts.
 - a. **Mitigation** - None determined needed.
 - b. **Findings** - Insignificant.
 - c. **Supportive Evidence** - Please refer to page V.A.17 of the Final EIR.
 4. **TC Impact 7.** With the school access off of Via Concha, the proposed project would add 436 A.M. peak hour trips and 136 P.M. peak hour trips to the Willow Road/Via Concha intersection, resulting in less than significant impacts.
 - a. **Mitigation** - None determined needed.
 - b. **Findings** - Insignificant.
 - c. **Supportive Evidence** - Please refer to page V.A.34 of the Final EIR.
 5. **TC Impact 8.** The proposed project would result in the addition of 1,449 ADT to the study area roadways, resulting in adverse but insignificant impacts.
 - a. **Mitigation** - None determined needed.
 - b. **Findings** - Insignificant.
 - c. **Supportive Evidence** - Please refer to page V.A.37 of the Final EIR.
 6. **TC Impact 10.** The proposed project would result in the addition of 1,449 ADT to Via Concha Road with the school access located off of Via Concha Road under General Plan Buildout plus Project conditions, resulting in less than significant impacts.
 - a. **Mitigation** - None determined needed.
 - b. **Findings** - Insignificant.
 - c. **Supportive Evidence** - Please refer to page V.A.41 of the Final EIR.
- B. WATER RESOURCES (Class III)**
1. **WR Impact 3** The proposed project would extract water resources that would induce increased drawdown in the Nipomo Mesa sub-basin, thereby incrementally lowering the water table, resulting in adverse but insignificant impacts.
 - a. **Mitigation** - None determined needed.
 - b. **Findings** - Insignificant.
 - c. **Supportive Evidence** - Please refer to pages V.B.24 through 26 of the Final EIR.

V. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT BUT MITIGABLE (Class II)

Class II impacts are those which are significant, but they can be mitigated to insignificance by implementation of certain mitigation measures.

A. TRANSPORTATION/CIRCULATION (Class II)

1. **TC Impact 3** Based on county staff recommendations and applicable CEQA thresholds of significance, the proposed middle school would result in significant operational safety impacts at the Willow Road/middle school intersection.
 - a. **Mitigation - TC/mm-1** Prior to issuance of land use permits for either the residential or the middle school portions of the project, the applicant shall submit revised site plans that provide for access to the middle school site off of Via Concha, through the proposed residential area. These revised plans shall be designed in accordance with County standards and provide adequate street widths to accommodate bus passings in each direction while maintaining off-street parking for the residential portion of the proposed project.
 - b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** - Please refer to pages V.A.18 & 19, and the Traffic Existing Conditions section of the Final EIR.
2. **TC Impact 4** The proposed middle school would result in the level of service at the Willow Road/Via Concha Road intersection to exceed the County's traffic impact threshold under General Plan Buildout plus Project conditions with the addition of school traffic, resulting in a significant impact.
 - a. **Mitigation - TC/mm-2** Prior to tract map approval, the Craig Family Trust residential development applicant shall submit a Signal Design Plan for the installation of a traffic signal at the Willow Road/Via Concha Road intersection, for review and approval by the County of San Luis Obispo Department of Public Works. In addition, prior to recordation of final map, the Craig Family Trust residential development applicant shall install signal poles with luminaries only and install traffic signal conduit at the northwest and southeast corners of the Willow Road and Via Concha Road intersection, as recommended by the San Luis Obispo County Department of Public Works.

 TC/mm-2a Prior to issuance of encroachment permits for access to the proposed middle school, the LMUSD shall install a traffic signal at the intersection of Willow Road and Via Concha Road, in accordance with the approved Signal Design Plan (referenced in TC/mm-2).
 - b. **Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. **Supportive Evidence** - Please refer to pages V.A.28 through 32, and the Traffic Existing Conditions section of the Final EIR.

- 3. TC Impact 6** The project-added peak hour trips to the Tefft Street interchange (4 peak hour trips) will contribute to cumulative impacts at the Tefft Street/U.S. 101 Ramps intersections.
- a. Mitigation** - Prior to Recordation of the Final Map, the applicant shall pay the South County road Improvement Fee.
 - b. Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. Supportive Evidence** - Please refer to pages V.A.33, and the Traffic Existing Conditions section of the Final EIR.
- 4. TC Impact 9** The proposed project would result in a level of service at the Willow Road/Via Concha Road intersection that would exceed the County's traffic impact threshold under General Plan Buildout plus Project conditions with the addition of school traffic and the school's access located off of Via Concha Road, resulting in a significant impact.
- a. Mitigation** - Implement TC/mm-2 and TC/mm-2a described previously.
 - b. Findings** - Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment to a level of insignificance.
 - c. Supportive Evidence** - Please refer to pages V.A. 37 through 41, and the Traffic Existing Conditions section of the Final EIR.

B. WATER RESOURCES (Class II)

- 1. WR Impact 1** The proposed residential portion of the project would utilize groundwater resources from the Nipomo Mesa sub-basin, which is currently considered to be in overdraft by several experts and being considered for adjudication. In addition, the NCSD has stated that they will not issue a "Will Serve" for the residential portion of the project.
- a. Mitigation - WR/mm-1** Prior to approval of any new development, the applicant shall demonstrate that they have obtained a valid "Will Serve" letter from the NCSD indicating that adequate water is available to serve the proposed residential portion of the project only after the precursory annexation process has been finalized and LAFCO has granted approval, and the subject property has been incorporated in the NCSD's expanded service boundary.
- In addition to obtaining a "Will Serve" letter from the NCSD, the additional groundwater resources proposed to be utilized by the project shall be factored into the County's RMS. If additional water resources become available to the NCSD (through the State Water Project, desalinization, water conservation, water reclamation, supplemental Santa Maria water from the ground basin adjudication process, or from any other means) and the County can maintain its Level of Severity II or better in the RMS after total project water demand is considered, residential water demand impacts would be considered mitigated. The "Will Serve" letter shall have been issued by the NCSD for the residential portion of the project only after the total project water demand has been factored into the County's RMS, and that a Level of Severity II can be maintained after the total proposed project water demand has been considered.

WR/mm-2 During project review, the County shall require the use of indoor/outdoor water conservation strategies and techniques to help offset the proposed residential development's anticipated water demand. The County shall implement recommendations contained in the latest Resource Capacity Study. These measures include but are not limited to:

- Undertake and implement a comprehensive water conservation program designed specifically to reduce the overall water demand from development of the residential development.
 - Require landscape plans for the residential development that include minimal turf areas, low water use plant landscaping materials and drip irrigation systems with automatic controllers and auto rain shut-off devices. Landscape plans for the proposed residential development shall include the location and extent of permeable and impervious landscape materials, plant materials selected from an approved plant list, turf area shall not to exceed 20% of site area, and an irrigation plan indicating the method for achieving low volume, high efficiency irrigation.
 - Require the applicant to either demonstrate that no increase in water use would result from the proposed development, or to provide supplemental water to offset any projected increase in demand resulting from development of the proposed residential development.
- b. Findings** - Changes or alterations have been required in, or incorporated into, the project, which mitigate or avoid the significant effects on the environment to a level of insignificance.
- c. Supportive Evidence** - Please refer to pages V.B.21 through 23, and the Water Existing Conditions section of the Final EIR.

VI. FINDINGS FOR IMPACTS IDENTIFIED AS SIGNIFICANT AND UNAVOIDABLE (Class I)

The unavoidable significant impacts of the project are found to be acceptable due to overriding considerations (See Section VII). The findings below are for Class I impacts, where implementation of the project may result in the following significant, unavoidable environmental impacts:

A. WATER (Class I)

- 1. WR Impact 2** The proposed middle school portion of the project would utilize groundwater resources from the Nipomo Mesa sub-basin, which is currently considered to be in overdraft by several experts and being considered for adjudication.
- a. Mitigation - WR/mm-3** During project review, the County shall require the use of indoor/outdoor water conservation strategies and techniques to help offset the proposed middle school's future anticipated water demand. The County shall implement recommendations contained in the latest Resource Capacity Study. These measures include but are not limited to:
- Implement a well-monitoring program for the proposed middle school.
 - Undertake a comprehensive water quality assessment and develop a water quality monitoring program for the proposed middle school.

- Undertake and implement a comprehensive water conservation program designed specifically to reduce the overall water demand from development of the new middle school.
 - Require landscape plans for the new middle school that include minimal turf areas, low water use plant landscaping materials and drip irrigation systems with automatic controllers and auto rain shut-off devices. Landscape plans for the proposed school shall include the location and extent of permeable and impervious landscape materials, plant materials selected from an approved plant list, turf area shall not to exceed 20% of site area, and an irrigation plan indicating the method for achieving low volume, high efficiency irrigation.
 - Require the applicant to either demonstrate that no increase in water use would result from the proposed development, or to provide supplemental water to offset any projected increase in demand resulting from development of the proposed middle school.
- b. **Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. **Supportive Evidence** – Approval of a new middle school does not provide county approval/discretion on water-related usage. Therefore, it is unknown if the above measures will be included as a part of the school’s approval process, and the potential exists that all feasible water reduction measures are not incorporated into the project.

2. **Impact WR 4** Development of the proposed project in conjunction with the cumulative development scenario would result in a direct, long-term cumulative impact to groundwater resources within the Nipomo Mesa sub-basin.

- a. **Mitigation** – While regional mitigation measures may be available to reduce water consumption at a mesa-wide level, they are not considered feasible due to existing water law providing rights for overlying users (and no adjudication), and the lack of control by the county to regulate water purveyors over management and use of water within the Nipomo Mesa groundwater subarea. It is also not known if current area-wide efforts underway will be approved or implemented, or if approved, if they would significantly improve current groundwater conditions. NCSD is currently the only water purveyor with long-term goals of reducing water consumption, which accounts for about 25% of water purveyor’s use. Approval of a new school does not require county approval, and it is not known if such approval will include any measures to substantially reduce water use. However, the following project-specific measures would reduce the proposed residential impacts:

WR/mm-1 Prior to approval of any new development, the applicant shall demonstrate that they have obtained a valid “Will Serve” letter from the NCSD indicating that adequate water is available to serve the proposed residential portion of the project.

To get to this point, it is would be necessary for the property to first get approval through the LAFCo annexation process, and then have received approval by the NCSD to expand its service boundary to include the property.

In addition to obtaining a “Will Serve” letter from the NCSD, the additional groundwater resources proposed to be utilized by the project shall be factored into the County’s RMS. If additional water resources become available to the NCSD (through the State Water Project, desalinization, water conservation, water reclamation, supplemental Santa Maria water from the ground basin adjudication process, or from any other means) and the County can maintain its Level of Severity II or better in the RMS after total project water demand is considered, residential water demand impacts would be considered mitigated. The “Will Serve” letter shall have been issued by the NCSD for the residential portion of the project only after the total project water demand has been factored into the County’s RMS, and that a Level of Severity II can be maintained after the total proposed project water demand has been considered.

WR/mm-2 During project review, the County shall require the use of indoor/outdoor water conservation strategies and techniques to help offset the proposed residential development’s anticipated water demand. The County shall implement recommendations contained in the latest Resource Capacity Study. These measures include but are not limited to:

- Undertake and implement a comprehensive water conservation program designed specifically to reduce the overall water demand from development of the residential development.
- Require landscape plans for the residential development that include minimal turf areas, low water use plant landscaping materials and drip irrigation systems with automatic controllers and auto rain shut-off devices. Landscape plans for the proposed residential development shall include the location and extent of permeable and impervious landscape materials, plant materials selected from an approved plant list, turf area shall not to exceed 20% of site area, and an irrigation plan indicating the method for achieving low volume, high efficiency irrigation.
- Require the applicant to either demonstrate that no increase in water use would result from the proposed development, or to provide supplemental water to offset any projected increase in demand resulting from development of the proposed residential development.

WR/mm-3 During project review, the County shall require the use of indoor/outdoor water conservation strategies and techniques to help offset the proposed middle school’s future anticipated water demand. The County shall implement recommendations contained in the latest Resource Capacity Study. These measures include but are not limited to:

- Implement a well-monitoring program for the proposed middle school.
- Undertake a comprehensive water quality assessment and develop a water quality monitoring program for the proposed middle school.
- Undertake and implement a comprehensive water conservation program designed specifically to reduce the overall water demand from development of the new middle school.
- Require landscape plans for the new middle school that include minimal turf areas, low water use plant landscaping materials and drip irrigation systems with automatic

controllers and auto rain shut-off devices. Landscape plans for the proposed school shall include the location and extent of permeable and impervious landscape materials, plant materials selected from an approved plant list, turf area shall not to exceed 20% of site area, and an irrigation plan indicating the method for achieving low volume, high efficiency irrigation.

- Require the applicant to either demonstrate that no increase in water use would result from the proposed development, or to provide supplemental water to offset any projected increase in demand resulting from development of the proposed middle school.
- b. Findings** - Changes or alterations have been required in, or can be incorporated in to the project which avoid or substantially lessen the significant environmental effects as identified in the Final EIR; however, these effects have not been lessened to a level of insignificance. These impacts are acceptable by reason of the overriding considerations discussed in Section VII.
- c. Supportive Evidence** - Approval of a new middle school does not provide county approval/discretion on water-related usage. Therefore, it is unknown if the above measures will be included as a part of the school's approval process, and the potential exists that all feasible water reduction measures are not incorporated into the project.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

Findings pursuant to CEQA Guidelines sections 15093 and 15092.

- A.** The project's significant, unmitigable, unavoidable adverse effects are as follows:
 - 1. The proposed middle school portion of the project would utilize groundwater resources from the Nipomo Mesa sub-basin, which is currently considered to be in overdraft by several experts and being considered for adjudication.
 - 2. Development of the proposed project in conjunction with the cumulative development scenario would result in a direct, long-term cumulative impact to groundwater resources within the Nipomo Mesa sub-basin.
- B. Findings** - The Board of Supervisors has weighed the benefits of the proposed project against its unavoidable environmental impacts. Based on the consideration of the record as a whole, the Planning Commission recommends that the Board of Supervisors find that the benefits of the project outweigh the unavoidable adverse environmental impacts to the extent that the unavoidable adverse environmental impacts become "acceptable".
- C. Supporting Evidence**
 - 1. Social and Economic Benefits. The project would result in the following social and economic benefits:
 - a. Specific zoning for a new school would be approved to accommodate a new middle school and primarily serve students living on or adjacent to the mesa. Historically, new schools are built only after existing middle schools are operating well over their capacities. The 2004 Annual Resource Summary Report identifies the existing District middle schools are operating slightly over capacity (by about 200 students

total) and are given a Level of Severity III designation. Once a new middle school is constructed, the general quality of the student's education and learning environment should improve, where this and other similar schools should return to operating back at design capacities.

- b. At a more regional level (middle Nipomo Mesa), parent vehicle trip lengths would be shorter, slightly improving overall air quality and providing more time for parents to do other things.
 - c. Establishment of school playing fields may provide additional recreational opportunities to the public during non-school hours.
 - d. The construction of the residential and school project will result in both short-term and long-term economic benefits to the County of San Luis Obispo and its residents. The residential portion of the project will increase contribution to County property taxes. The project will indirectly provide for a number of jobs relating to construction of and maintaining approximately 16 new homes, a new school and related improvements.
 - e. The school site is within relatively close proximity to serve nearby higher-density residential development (e.g, Woodlands).
 - f. If a school is not constructed, the 20 acres would be available for passive recreational uses by the public.
2. Mitigation Enhancement. The Final EIR contains the following to substantially lessen the significant effects of the project:
- a. Traffic improvements are required to maintain acceptable levels of service on nearby roadways.
 - b. Water usage reductions and conservation will be required of new residential development.
3. Alternatives. The project alternatives identified in the Environmental Impact Report, although feasible from a technical standpoint, are rejected for the following reasons:
- a. ***"No Project" alternative.*** Under the No Project alternative, the project site would remain in the Residential Rural category which would allow for a primary and secondary any newly created five-acre parcel, as well as allow for future school development. This alternative would not provide the same level of recreational or economic benefits as the proposed project.
 - b. ***Alternative Land Use Designations.*** This alternative would consider a General Plan amendment that would change the Residential Rural designation on the 20.4-acre private lot to Residential Suburban. As with the proposed Recreation land use designation, single-family residences are an allowable use under the Residential Suburban (RS) designation, subject to land use permit requirements. Under this alternative, dwelling units would be restricted to a primary residence only, with no secondary dwelling units allowed (similar to the restrictions imposed on the proposed project requesting 16 units). From a planning perspective, this type of zoning is usually only found within an urban or village area, which is not being proposed. Also there is no other RS zoning nearby to connect to, potentially creating a new land use trend in an area with

constrained resources. Therefore, this alternative is rejected.

- c. ***Alternative Land Uses Under the Recreation and Public Facilities Designations.*** This alternative considers the various land uses that would be allowed under the proposed rezone, other than the residential and middle school developments proposed. This alternative considers those uses that would not currently be allowed under the existing Residential Rural land use designation. These uses include: off-road vehicle courses, public assembly and entertainment facilities, colleges and universities, multi-family dwellings, nursing and personal care facilities, automobile service stations and gas stations, convenience and liquor stores, general retail facilities, banks and financial services, lodging- hotels and motels, lodging- recreation vehicle parks, offices, personal services, social service organizations, outdoor storage yards, waste disposal sites, broadcasting studios, communications facilities, transit stations and terminals, and vehicle storage. Considering other uses would not achieve the applicants' objectives. Many of these uses would conflict with surrounding uses, and have potentially greater impacts than what is currently proposed in a constrained area, and is therefore rejected.
- d. ***Reduced Density Alternative.*** This alternative would retain the Recreation and Public Facilities land use designations of the proposed project, but would propose a standard to reduce the number of allowable residential units from 16 to 8, and change the type of school from the 800-student middle school to a 400-student elementary school. This project would not achieve the applicants' objectives.
- e. ***Onsite Water Alternative.*** This alternative would involve the use of an onsite well for the residential component of the proposed project. Because the project would involve the construction of more than 15 residential units and propose parcels less than 2.5 acres, the applicant would be required to establish a community water purveyor to service these parcels. As with the proposed project, water would be drawn from the Santa Maria groundwater basin. This alternative would not reduce water use or include the oversight or possible water conserving policies under which the Nipomo CSD operates. Therefore, this alternative is rejected.
- f. ***Alternative Project Location.*** This alternative would involve relocating the proposed residential development and middle school to an alternative location in order to avoid or substantially lessen environmental impacts. Alternative school site locations include those identified on the Nipomo combining designations map in the South County Inland Area Plan. Due to the infeasibility of the applicants' needing to acquire other comparable areas to consider this alternative, this alternative is rejected.

VIII. CEQA GENERAL FINDINGS

- A. The Board of Supervisors find that changes or alterations have been incorporated into the project to mitigate or avoid significant impacts to the greatest degree practicable. These changes or alterations include mitigation measures and project modifications outlined herein and set forth in

more detail in the Craig/Lucia Mar USD LUO/LUE Amendment Final EIR.

- B. The Board of Supervisors finds that the project, as approved, includes an appropriate Mitigation Monitoring Program. This mitigation monitoring program ensures that measures that avoid or lessen the significant project impacts, as required by CEQA and the State CEQA Guidelines, will be implemented as described.

IX. MITIGATION MONITORING PROGRAM

- A. The applicant, Craig/Lucia Mar USD, will be primarily responsible for ensuring that all project mitigation measures are complied with. In this case the proposed measures will become standards to be followed by future development, and no monitoring will be necessary until such time that a specific project is proposed. The County Department of Planning and Building, Planning and Environmental Divisions, will assist the applicant in the mitigation measure compliance effort. Mitigation measures will be programmed to occur at, or prior to, the following milestones:
1. Prior to issuance of construction permit/vegetation removal. These are measures that need to be undertaken before earth moving activities begin. These measures include items such as staking the limits of environmentally sensitive areas or vegetation to remain, confirming biological mitigation plans with resource agencies, and including pertinent design details in the project plans.
 2. During project construction/vegetation removal. These measures are those that need to occur as the project is being constructed or the vegetation being removed. They include monitoring the construction site for the proper implementation of dust and emission controls, erosion controls, biological protection, and examining grading areas for the presence of cultural materials.
 3. Prior to completion of construction. These measures apply to project components that would go into effect at completion of the project construction phase, including items such as management or monitoring plans (e.g., revegetation, etc.). In order for the plan to be available for use at project completion, it will need to be prepared and completed before project construction is finished.
 4. At the time of project completion/During operation of the project. These are active measures that will commence upon completion of the construction phase and, in most cases, will continue through the life of the project.
 5. Prior to approval of discretionary or building permit and/or recordation of the final map.
 6. Prior to occupancy or final inspection of the development.
 7. Prior to encroachment permit.

Connecting each of the mitigation measures to these milestones will integrate mitigation monitoring into existing County processes, as encouraged by CEQA. In each instance, implementation of the mitigation measure will be accomplished in parallel with another activity associated with the project.

- B. As lead agency for the Craig/Lucia Mar USD LUO/LUE Amendment Final EIR, the board of Supervisors hereby certifies that the approved Mitigation Monitoring Program is adequate to ensure the implementation of the mitigation measures described herein.

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EXHIBIT E

**Previously-approved Staff Report, Negative Declaration, Initial Study and
Agency referral responses**

5-30 Staff Report - Planning Commission

County of San Luis Obispo - Department of Planning and Building

FROM: BILL ROALMAN, PLANNER III

DATE: FEBRUARY 14, 2002

SUBJECT: Request for a Land Use Element amendment application (Craig/Lucia Mar Unified School District General Plan Amendment- G990025M) to amend the land use category by redesignating forty (40) acres from Residential Rural (RR) to approximately sixteen (16) acres of Recreation (REC) and approximately twenty-four (24) acres of Recreation, Public Facility (REC / PF), in order to accommodate a total of sixteen (16) residential lots and provide for a future school site and place the "school site" public facilities designation on the combining designation map. The Recreation, Public Facility portion would be donated to the Lucia Mar Unified School District (LMUSD) for a future elementary or middle school (serving up to 800 students). If a school is not constructed, the 24 acres would become permanent open space. The Black Lake Village Reserve Line (VRL) is not proposed to extend over any of the subject property. On November 16, 2001, a proposed Negative Declaration was prepared for the Craig General Plan Amendment. On November 29, 2001, Daniel and Bonita Feilmeier submitted a "Request for Review" of the proposed Negative Declaration. The Planning Commission must consider the issues raised in the "Request for Review" of the proposed Negative Declaration. The project is located on the northwest corner of Willow Road and Via Concha, immediately west of the Black Lake village on the Nipomo Mesa. Supervisorial District No. 4

RECOMMENDATION:

Adopt the resolution recommending to the Board of Supervisors approval of the Craig/Lucia Mar Unified School District General Plan Amendment, as shown in the attached **Exhibits G990025M:A and G990025M:B**, based on the recommended findings contained in this report. After consideration of the "Request for Review" by Daniel and Bonita Feilmeier (attached **Exhibit C**) and the Environmental Coordinator's Response (attached **Exhibit D**), recommend to the Board of Supervisors that the proposed Negative Declaration for the Craig General Plan Amendment be approved.

DISCUSSION

Background

In April 2000, the applicant requested to amend the land use category on eight acres of a 40-acre parcel from Residential Rural to Recreation. The applicant intended to subdivide the eight acres into 16 half-acre residential parcels. The remaining 32 acres of the property were to remain within the Residential Rural land use category and would be offered to the Lucia Mar Unified School District for a future school site. The original application also proposed that the eight acres of land designated for residential development would be annexed into the Black Lake Village Reserve Line (VRL). On July 11, 2000, The Board of Supervisors authorized processing of this proposed General Plan amendment.

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County staff prepared an Initial Study for the proposed General Plan amendment and concluded that an Environmental Impact Report (EIR) would be required. On August 28, 2001, the Board of Supervisors considered the staff recommendation for preparation of an EIR. At the conclusion of the public hearing, the Board of Supervisors concluded that an EIR was unnecessary and directed staff to prepare a Negative Declaration for the project. The Board of Supervisors also gave direction that the requested General Plan amendment should be modified as follows:

- Sixteen (16) acres of the 40-acre parcel would be redesignated to accommodate a total of sixteen (16) one-acre residential lots.
- Twenty-four (24) acres of the 40-acre parcel would be redesignated to accommodate a possible future school site. However, the Board also directed staff to prepare an Area Standard for the South County Area Plan to assure that the 24-acre site would remain in permanent open space if the Lucia Mar Unified School District did not construct a school.
- The Black Lake Village Reserve Line (VRL) would not be amended to include any of the subject property.

Based on this direction from the Board of Supervisors, staff evaluated the revised General Plan amendment and prepared a Negative Declaration.

The project is located on the northwest corner of Willow Road and Via Concha, immediately west of the Black Lake village on the Nipomo Mesa. Supervisorial District No. 4

Proposal

The applicant is requesting to amend the land use category by redesignating forty (40) acres from Residential Rural (RR) to approximately sixteen (16) acres of Recreation (REC) and approximately twenty-four (24) acres of Recreation, Public Facilities (REC, PF), in order to accommodate a total of sixteen (16) one-acre residential lots and provide for a future school site. The Recreation , Public Facilities portion would be donated to the Lucia Mar Unified School District (LMUSD) for a future elementary or middle school serving up to 800 students. If a school is not constructed, the 24 acres of PF would remain in open space use. The Black Lake Village Reserve Line (VRL) is not proposed to extend over any of the subject property.

Project Data

Planning Area: South County (Inland)
Assessor Parcel Number: 091-181-031 & 32
Area: 40 acres
Vegetation: Eucalyptus trees, grasses, forbs
Water Supply: On-site wells or NSCD
Existing Use and Improvements: Vacant

Community: Rural
Supervisorial District No. 4
Topography: Gently sloping

Sewage Disposal: Individual septic systems or NCSD

Surrounding Land Use Categories / Land Uses

North: Residential Rural / Scattered Residential

South: Residential Rural / Scattered Residential

East: Recreation / Single Family Residential

West: Residential Rural / Scattered Residential

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General Plan Information

Land Use Element Category: Residential Rural

Combining Designation: None

Planning Area Standards: Areawide subdivision design standards

Agriculture and Open Space Element Category: Small lot rural

REQUEST FOR REVIEW OF ENVIRONMENTAL DETERMINATION

On November 16, 2001, a Negative Declaration was proposed for the revised project. The Negative Declaration concludes that there will be no significant environmental impacts associated with proposed General Plan amendment. On November 29, 2001, Daniel and Bonita Feilmeier submitted a "Request for Review" of the proposed Negative Declaration. A Request for Review is a process which affords the public the opportunity to focus additional scrutiny on proposed Negative Declarations. This process supplements the opportunities of the public to comment on proposed Negative Declarations that is afforded by CEQA and the State CEQA Guidelines. County CEQA Guidelines state that, "if the Environmental Coordinator determines that the facts or basis of a Request for Review do not raise new important environmental issues, the Environmental Coordinator shall prepare a report that responds to the issues raised in the Request and presents the evidence supporting the proposed Negative Declaration. The report shall also include any other information the Environmental Coordinator deems necessary to fully inform the decision-maker(s) about the project, the project's potential environmental impacts, and any specific or unique aspects of CEQA or other statutes or regulations which will be of importance to the decision-maker(s)."

The Environmental Coordinator's has concluded that the originally proposed Negative Declaration adequately addresses the issues raised in the Request for Review. A copy of the Request for Review is attached in **Exhibit C**. The Environmental Coordinator's response to the Request for Review is attached in **Exhibit D**. The Negative Declaration, Initial Study and Agency referral responses are attached in **Exhibit E**.

AUTHORITY

The Land Use Element sets forth the authority by which the general plan can be amended. The Planning Commission and Board of Supervisors must consider of the following factors pursuant to the Land Use Element:

- a. **Necessity.** Relationship to other existing policies, including the guidelines for land use category amendments in Chapter 6, to determine if those policies make the proposed amendment unnecessary or inappropriate.
- b. **Timing.** Whether the proposed amendment is unnecessary or premature in relation to the inventory of similarly designated land and the timing of projected growth.
- c. **Vicinity.** Relationship of the site to the surrounding area to determine if the area of the proposed amendment should be expanded or reduced in order to consider surrounding conditions in the evaluation.

MAJOR ISSUES

The following major issue raised with this amendment is:

1. Is the request consistent with applicable Land Use Element plan policies relating to the purpose and character statements for the requested Recreation and Public Facilities land use categories?

2. Does the request represent a logical extension of the Recreation land use category?

GENERAL PLAN CONSIDERATIONS AND CONSISTENCY

Guidelines for Land Use Category Amendments

In determining whether to approve a proposed land use category amendment, the Planning Commission and Board of Supervisors may consider, but shall not be limited to, the criteria listed in **Exhibit G**. These criteria include: consistency with existing goals and policies in the general plan; consistency with the applicable purpose and character statements; compatibility with the character of the general area; convenient access to a road system in the area that is adequate to accommodate the traffic generated; and whether the site is suitable for on-site sewage disposal and has an adequate groundwater supply.

General Goals of the Land Use Element

The following general goals describe the fundamental purposes for the Land Use Element and Circulation Element. These general goals provide the basis for defining the 13 land use categories and for determining the land areas to which they are applied. More detailed goals, objectives and policies that address specific planning issues are presented in the other chapters of this report and in the area plans. The provisions of the Land Use and Circulation Elements are designed to carry out these goals. Proposed amendments to specific policies or the land use category maps should also carry out these goals. The policies and provisions of the Land Use Element should:

- Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.
- Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.
- Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities, and their programmed expansion where funding has been identified.
- Encourage the phasing of urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to existing development.
- Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses.
- Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.

- Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.
- Locate new and additional public service facilities on existing public lands where feasible, allowing for sufficient buffers to protect adjacent rural and agricultural areas.

A complete listing of the General Goals of the Land Use Element is included in **Exhibit F**.

Changing the site from Residential Rural to Recreation and Recreation, Public Facilities to allow development of 16 residential lots and an elementary school appears to be consistent with a number of the general goals listed above. The Recreation land use category exists directly across the street, so development of this property in a manner that is similar to the Black Lake village area could be considered infill development and would be consistent with density and intensity of the uses that are currently developed in the Black Lake village area. The school facilities are meeting a public need in the area.

Purpose and Character Statements - Framework for Planning

The statements of purpose and character in the Framework for Planning, Part I of the Land Use Element of the general plan are to be used as criteria for evaluating whether a General Plan amendment is appropriate for a specific site (See **Exhibits H-J**). These statements identify suitable features or conditions for the location, extent and timing of designating a land use category.

The purpose for the Recreation land use category is:

- a. To identify areas having recreational potential where private or public development of recreational uses can be encouraged when not in conflict with surrounding rural and agricultural uses.
- b. To allow for recreation and resort-oriented development that will be incidental to outdoor recreation on the same site.
- c. To allow recreation and resort-oriented development where significant public recreational resources are available in the immediate vicinity.
- d. To provide for public park and recreation areas when not in conflict with surrounding rural and agricultural land uses.

The purpose for the Public Facilities land use category is:

- a. To identify lands and structures committed to public facilities and public agency uses that benefit the public. For proposed public facilities, where site selection has not occurred, site selection criteria are included in the chapter entitled "Combining Designations and Proposed Public Facilities," with development guidelines for establishing the uses.
- b. To provide areas for development of public facilities to meet public needs.

- c. To identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served.
- d. To identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

The proposed site generally meets these purpose statements. The Recreation category exists directly across the street, so this request would be a logical extension of the Recreation land use category and the density proposed is consistent with the density set by Table N of the Land Use Element - Framework for Planning for residential in Recreation outside of an urban or village reserve area. Designating the site with another land use category (such as Residential Suburban) would not be consistent with the policies and goals of the General Plan as it would be a "spot" of zoning - not a logical extension of an existing land use category and would not conform to the purpose and character statements of the Land Use Element - Framework for Planning which requires Residential Suburban land use categories to be located within urban and village reserve lines. Because the Recreation land use category allows for a number of uses, this site will be restricted to residential and their accessory uses only and will be limited to the creation of 16 lots with 16 residences. This will make this site consistent with surrounding lands developed with residential uses within the Black Lake Golf Course community. The Public Facility portion of the site will be used for development of a public facility/middle school which will meet a known public need and is supportive of the School District's plans for facilities in the South County area. If the school district does not acquire the property, the uses will be restricted to open space uses.

PROPOSED SOUTH COUNTY AREA PLAN STANDARDS

To implement to proposed General Plan Amendment, Chapter 7 of the South County Area Plan, Rural Area Standards would be changed by adding new standards that are shown in Exhibit G990025M:B.

OTHER AGENCY INVOLVEMENT

The agencies and county departments involved in this project include:

County Public Works	SLO Council of Governments
County Environmental Health Division	Nipomo Community Advisory Council
Air Pollution Control District	Nipomo Community Services District
Lucia Mar Unified School District	Ag Commissioner's Office
Co. General Services Dept., Parks Division	Santa Barbara Co.

EXHIBITS:

Exhibits G990025M:A – Proposed Land Use Category Map Changes
 Exhibits G990025M:B. -- Proposed Planning Area Standards
 Exhibit C -- "Request for Review" by Daniel and Bonita Feilmeier
 Exhibit D -- Environmental Coordinator's Response to "Request for Review"
 Exhibit E – Negative Declaration, Initial Study and Agency referral responses
 Exhibit F -- General Goals of the Land Use Element
 Exhibit G -- Guidelines for Land Use Category Amendments
 Exhibit H -- Purpose and Character Statements for Residential Rural, Recreation, and Public Facilities

FINDINGS - G990025M

- A. The proposed amendment is consistent with the Land Use Element and other adopted elements of the general plan because all proposed uses, as limited by the existing planning area standard, are allowed under Table O for the Recreation and Public Facilities land use category.
- B. The proposed amendment is consistent with the guidelines for amendments to land use categories as the site is a logical extension of the Recreation and Public Facilities land use categories consistent with applicable policies of the general plan, and the site can physically accommodate the use.
- C. The proposed amendment will protect the public health, safety and welfare of the area residents by allowing for development that is compatible with the existing development of the surrounding area in conformance with the existing and proposed planning area standards.
- D. The proposed amendment is consistent with the purpose and character statements in the Land Use Element of the general plan for the Recreation and Public Facilities land use categories as it is adjacent to the Black Lake Golf Course community which is within the Recreation category and the density proposed is consistent with the density of the Black Lake and consistent with surrounding lands developed with residential uses within the Black Lake Golf Course community. The Public Facility portion of the site will be used for development of a public facility/middle school which will meet a known public need and is supportive of the School District's plans for facilities in the South County area. If the school district does not acquire the property, the uses will be restricted to open space uses.
- E. On the basis of the Initial Study and any comments received, there is no substantial evidence that the project will have a significant effect on the environment.

**Exhibit A - G990025M:A
Proposed Planning Area Standards**

1. **Revise Chapter 7, South County Area Plan, Rural Area; Page 7- 36, by adding new standards as follows, and adding new Figure 7-24 and renumbering all existing Figures as appropriate:**

North west corner of Willow and Via Concha. The following standards apply only to the property shown as Area A in Figure 7-24.

1. **Limitation on Use.** Uses identified by Table O, Part I of the Land Use Element as 'A' or 'S' uses may be permitted except those uses that are allowed in the Recreation land use category but not in the Residential Suburban land use category.
2. **Land Division.** No more than 16 residential parcels shall be created within the approximately 16 acre portion shown as Area A in Figure 7-24 and an average parcel size density of no less than one acre.
3. **Cluster Land Division Incentive.** Cluster divisions of land may use an open space parcel area that is smaller than otherwise required by Land Use Ordinance Chapter 22.04 where an important biological habitat, or public use for passive recreational purposes is identified through the application's review process. The size of the open space shall be no less than 45%. The analysis shall identify the area that can best accommodate the sensitive biological resources or passive recreational needs and still provide for the allowed residential density.
4. **Allowed Density.** The maximum allowable residential density within the area shown as Area A in Figure 7-24 is one dwelling unit per parcel.
5. **Drainage.** All drainage from future development shall be retained on site.
6. **Rural Character.** To maintain a rural character, as seen from Willow Road, all future development shall:
 - a. provide sufficient landscaping and/or retention of existing trees will be used to accomplish an 80% screening of new development;
 - b. limit night lighting to lighting that is directed down and into the development with no direct light visible from surrounding public roads;
7. **Future School Access.** As a part of any future land subdivision, an access easement onto Via Concha shall be provided for the future school site to the west should the Willow Road access result in significant traffic safety/circulation impacts.
8. **Safety - Golf Hazards.** As a part of any land subdivision or residential building permit submittal, the application shall show how the project is maximizing protection from potential golf hazards of the adjacent golf course

2. **Revise Chapter 7, South County Area Plan, Rural Area; Page 7- 37, by adding new Recreation/Public Facility standards as follows:**

RECREATION/ PUBLIC FACILITIES: The following standards apply only to lands within the Recreation/Public Facilities land use categories.

North west corner of Willow and Via Concha. The following standards apply only to the property shown as Area B in Figure 7-24.

1. Limitation on Use.

- a. In the event the site is acquired and developed by the Lucia Mar Unified School District, allowable uses shall be limited to Schools - Pre to Secondary, per Table O, Framework for Planning, Inland Area.
- b. If the site is not acquired by the Lucia Mar Unified School District, uses of the site shall be limited to Crop Production and Grazing, Outdoor Sports and Recreation, Park, and active and passive Open Space.

2. Drainage. All drainage from future development shall be retained on site.

3. Rural Character. To maintain a rural character, as seen from Willow Road, all future development shall:

- a. provide sufficient landscaping and/or retention of existing trees will be used to accomplish an 80% screening of new development;
- b. limit night lighting to lighting that is directed down and into the development with no direct light visible from surrounding public roads;
- c. If any night lighting of athletic fields is being considered, all existing trees shall be retained until such time as the siting of such fields has been approved. As a part of that siting, key corridors of existing trees shall be identified for preservation to screen night lighting from residential areas.

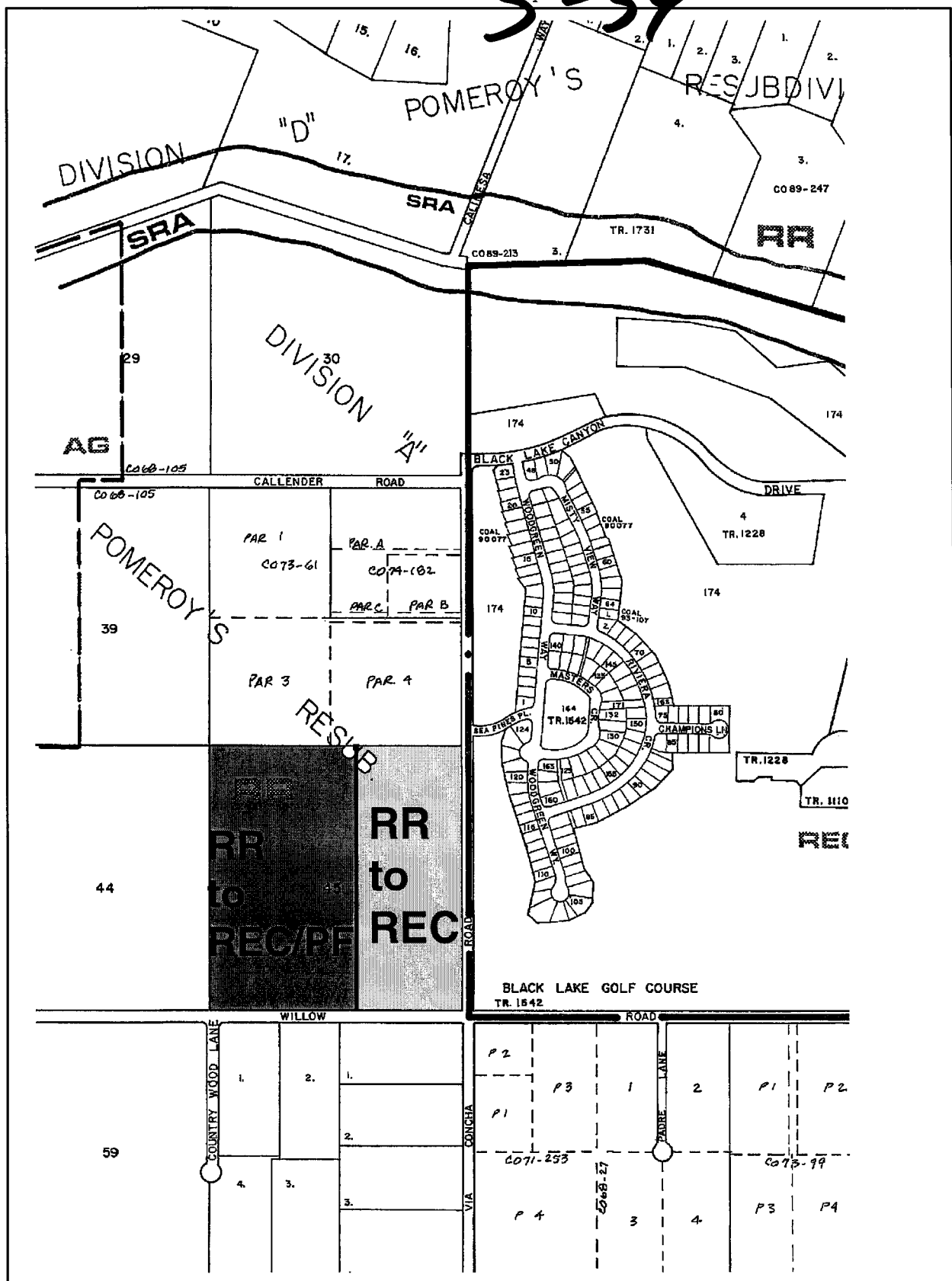


EXHIBIT G990025M:B

INITIATING A PRECISE LAND USE DESIGNATION
AS SHOWN ON OFFICIAL LAND USE CATEGORY
MAP ON FILE IN THE DEPT. OF PLANNING AND
BUILDING

CHANGE FROM RR to REC and RR to REC/PF

CRAIG/LUCIA MAR SCHOOL DISTRICT
GENERAL PLAN AMENDMENT

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5-10

Exhibit C

“Request for Review” by Daniel and Bonita Feilmeier

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Nipomo Mesa / Black Lake Community Residents

C/o 755 Country Wood Lane ~ Arroyo Grande, CA 93420
Fax 343-9938 ~ Home Phone 343-6014

San Luis Obispo County
Dept. of Planning and Building
Environmental Division
County Government Center
San Luis Obispo, CA 93408

November 28, 2001

Reference: Craig General Plan Amendment
Permit Application No. G990025M, ED00-124

This appeal to the negative declaration proposed for the above referenced project is being filed for the following reasons:

1. The current zoning is 5-acre minimum parcels for this subject parcel. All surrounding parcels of this same zoning are at this current time remaining as 5-acre parcels. If this developer is allowed to rezone to 1-acre parcels, all existing developed parcels should rightfully be allowed to rezone to 1-acre parcels. This is an established 5-acre minimum neighborhood. Tax paying residents invested in this neighborhood because of this existing zoning law. Per CEQA, piecemeal development is strongly discouraged. This project is piecemeal, and the existing neighborhoods must be considered in any zoning changes. There is proof that by the fact that this proposal is even being considered, it is creating a flurry of potential proposals to rezone existing 5 acre parcels to 1 acre lots and existing AG land to 1 acre cluster developments within the immediate area of this subject parcel.
2. Please refer to the recent 2001, San Luis Obispo Grand Jury Report regarding Piecemeal developing, and NEGATIVE DECLARATIONS.
3. Refer to: The Dept. of Planning and Building Staff Report dated August 28, 2001.
This document states several reasons why a full EIR should be required for this potential project. Please see the attached copy of said Staff Comments.
4. Refer to: The Dept. of Planning and Building Staff Report dated July 11, 2000.
Please see the Staff Comments section of the attached copy referencing the staff's concerns of this General Plan Amendment on pages 5 and 6.
5. Refer to: Attached copies of Petitions with 300+ signatures of surrounding neighbors opposing the rezoning of this property by submitting a General Plan Amendment application. These petitions are already on file with the County Planning Department. (20 pages total)

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6. Refer to: Letter to SLO Planning & Building Dept. from Nipomo Community Services District dated May 2, 2000.

Please note water issues and "unknown" supply as stated on attached copy of this letter.

7. Please be reminded of the prior commitment from the Board of Supervisors to provide cumulative EIR's for all General Plan Amendments.
8. As stated in the current South County General Plan, the vision for this area of the county is to provide a Rural Residential buffer zone between the two existing Village lines. In allowing a change to the current zoning, you will destroy this vision. The undersigned residents and all those signed on the enclosed petitions bought homes in this area specifically because of the stated General Plan vision for this community.

Signed: Dennis Dohler

Date: 11/28/01

Signed: Donna Seelmeier

Date: 11/28/01

Signed: Walter Smith

Date: 11/29/01

Signed: Daniel Spina

Date: 11/29/01

Signed: _____

Date: _____

Signed: _____

Date: _____

Signed: Bill Rolin

Date: 11-28-01

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Exhibit D
Environmental Coordinator's Response to "Request for Review"



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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP
DIRECTOR

BRYCE TINGLE, AICP
ASSISTANT DIRECTOR

ELLEN CARROLL
ENVIRONMENTAL COORDINATOR

FORREST WERMUTH
CHIEF BUILDING OFFICIAL

TO: PLANNING COMMISSION

**FROM: ELLEN CARROLL, ENVIRONMENTAL COORDINATOR
JOHN MCKENZIE, ENVIRONMENTAL SPECIALIST** *jm*

VIA: BRYCE TINGLE, ASSISTANT DIRECTOR PLANNING AND BUILDING

DATE: FEBRUARY 14, 2002

**SUBJECT: CRAIG GENERAL PLAN AMENDMENT - REQUEST FOR REVIEW OF
PROPOSED NEGATIVE DECLARATION (G990025M, ED00-124)**

RECOMMENDATION

The Environmental Coordinator recommends that, after consideration of a "Request for Review" by Daniel and Bonita Feilmeier, that the Planning Commission recommend to the Board of Supervisors that the proposed Negative Declaration for the Craig General Plan Amendment be approved.

DISCUSSION

On 8/28/01, the Board of Supervisors directed that the Craig/Lucia Mar USD General Plan Amendment consist of redesignating forty (40) acres from Residential Rural (RR) to approximately sixteen (16) acres of Residential Suburban (RS) and approximately twenty four (24) acres of Public Facility (PF), in order to accommodate a total of sixteen (16) residential lots and provide for a future school site. The Public Facility portion would be donated to the Lucia Mar Unified School District (LMUSD) for a future elementary or middle school (serving up to 800 students). The Board further directed that if a school is not constructed, the 24 acres of PF would be used for passive open space use. The Black Lake Village Reserve Line (VRL) is not proposed to extend over any of the subject property.

The project applicant, after discussion with county staff and subsequent to the Board's action, has requested the following revisions be made from the above description to provide greater consistency with the Land Use Ordinance on residential development: the proposed 16 acres of RS be changed to the Recreation category with 1) a limit of 16 residential units; 2) a provision to cluster development that would allow for a minimum of 45% open space; and 3) no changes for the 24-acre area.

On November 16, 2001, a proposed Negative Declaration was prepared for the Craig General Plan Amendment. On November 29, 2001, Daniel and Bonita Feilmeier submitted a "Request for Review" of the proposed Negative Declaration (see Exhibit B).

Per the County's Guidelines relating to the California Environmental Quality Act, "a Request for Review of a proposed Negative Declaration shall be heard and considered at the time of the public hearing on the question of approval or denial of the project. The project staff report shall include a complete copy of the Environmental Coordinator's report responding to the issues raised in the Request for Review".

The Request for Review letter raises the following issues:

1. If this property is rezoned to one-acre density, all surrounding Residential Rural properties should also be rezoned to one-acre densities;
2. This request is piecemeal development, which is strongly discouraged under CEQA;
3. Refer to Grand Jury report relating to piecemeal development and negative declarations;
4. The August 28, 2001 staff report (on Craig EIR recommendation) identifies several reasons to prepare an EIR;
5. A petition (with 300+ signatures of surrounding neighbors) was circulated opposing the rezone of the Craig property;
6. Letter from the Nipomo Community Services District (5/2/00) states that the water to be provided would be from an "unknown" supply;
7. Per a previous commitment by the Board of Supervisor's, a cumulative EIR should be prepared for all general plan amendments; and
8. The proposed zoning will destroy the "Vision" created for this area, as described in the South County Area Plan, where the Residential Rural zoning provides a buffer between existing village reserve lines.

These issues are discussed in more detail as follows:

1. ***If this property is rezoned to one-acre density, all surrounding Residential Rural properties should also be rezoned to one-acre densities.***

The existing 40-acre property, under the Residential Rural category, could potentially result in eight 5-acre parcels with a primary and secondary residence on each, or up to 16 new residences. As is currently proposed, all of the potential residential development of 16 residences would be placed within the 16 acres proposed for Recreation/Residential Suburban. So, there would not be a net increase of potential residences over the 40 acres. The Craig property is adjacent to the Black Lake Village, which is zoned Recreation, and has an average density of slightly less than one acre per residence, which is similar to what is being proposed. The remaining 24 acre area is proposed for a somewhat unique use (school) that could be considered an "infill" use that would be meeting the current needs of the general area to provide for adequate schooling.

Other surrounding properties within the Residential Rural category that are adjacent to the Black Lake Village would be considered to have similar qualities as the proposed property. However, if these other properties applied a similar "transfer" of potential residential densities towards the Black Lake village, there would be little if any increase in potential residential impacts. Also, none of these other properties have expressed an interest or made such a request to change the category. Therefore, it is somewhat speculative to further consider that all of these properties be rezoned.

2. ***This request is piecemeal development, which is strongly discouraged under CEQA.***

Piecemeal, as considered by CEQA, is when a project or action has been divided into more than one piece to avoid analysis of the project as a whole. There are no other “pieces” relating to this amendment or any density changes that could result in potential piecemealing as defined by CEQA.

CEQA does require that cumulative impacts be considered for all projects. In this case, there are several other separate and independent general plan amendment requesting density changes in the general vicinity. The negative declaration has recognized these GPAs, and in light of what is being proposed, has determined that this project will not have a significant cumulative effect on all of the issues considered in the initial study.

3. *Refer to Grand Jury report relating to piecemeal development and negative declarations.*

While the commentor did not specify which section of the Grand Jury being referenced, there is some discussion of piecemealing relating to Grand Jury recommendation 4.1 as it relates to the various ongoing amendments to the Growth Management Ordinance. The Craig GPA is not amending the Growth Management Ordinance and it is therefore, unclear the intent of the reference.

4. *The August 28, 2001 staff report on the Craig EIR recommendation identifies several reasons to prepare an EIR.*

On 8/28/01, staff recommended that an EIR be prepared for the Craig GPA to consider the following issues: impacts to local roadways, and cumulative effects related to water, traffic and air quality. The Board of Supervisors determined that an EIR was not necessary. As described in the initial study, these issues were further considered and determined to be either less than significant or mitigable at the time specific development is proposed.

5. *A petition (with 300+ signatures of surrounding neighbors) was circulated opposing the rezone of the Craig property.*

The Negative Declaration considered the concerns raised in the referenced petition and addressed each issue in the Initial Study. All issues were determined to be less than significant once project-specific mitigation is implemented at the time specific development is proposed.

6. *Letter from the Nipomo Community Services District (5/2/00) states that the water to be provided would be from an “unknown” supply.*

The proposed negative declaration includes two letters from the Nipomo Community Services District. As cited by the commentor, the referenced 5/2/00 letter states that the property would need to annex to the District for service and that there was uncertainty on their ability to provide water due to the pending groundwater lawsuit. A more recent letter from the District (12/15/00) also included in the Negative Declaration (which was in response to a referral sent on the eight GPAs currently pending (including Craig) and the Woodlands GMO amendment), states the District could provide water service to the following pending projects: Woodlands, Nipomo Oaks, Brand, Patterson, Green Canyon and Summit Station. While it appears they overlooked the Craig project as a part of their response, the more recent letter indicates that the District generally has the water needed to provide for most of the larger development on the Mesa that is currently outside of their District boundaries.

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The Craig development is smaller than the cited Woodlands, Nipomo Oaks, Summit Station and Brand developments. Prior to any development on the Craig property, adequate water will need to be provided.

7. *Per a previous commitment by the Board of Supervisor's, a cumulative EIR should be prepared for all general plan amendments.*

The Board has agreed to prepare an EIR to evaluate the 180 residential GMO exemptions per a settlement agreement with Save the Mesa. Staff is in the process of hiring a consultant to prepare the EIR.

8. *The proposed zoning will destroy the "Vision" created for this area, as described in the South County Area Plan, where the Residential Rural zoning provides a buffer between existing village reserve lines.*

The Introduction chapter of the South County Area Plan includes a "Vision" section which is intended to provide general guidance or direction on how development should proceed. The plan generally states that one measure to maintain rural character is to keep the residential rural category between village and urban areas. The Area Plan identifies that there is approximately 10,317 acres of the Residential Rural category outside of the urban and village areas. Should this amendment be approved, the loss of this zoning for the purposes of buffering between villages the relatively small acreage involved is not large enough to be considered potentially significant. Approval of this amendment would not reduce the existing buffer distance between the Black Lake and Woodland villages.

CONCLUSION

Based on consideration of the specific items included in the Request for Review letter, staff has determined that the originally proposed Negative Declaration has adequately addressed these specific items, where potential impacts can be reduced to less than significant levels. No EIR is considered necessary.

Attachments

Request for Review letter

Proposed Negative Declaration (includes Initial Study, agency responses)

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S-1p

Exhibit E

Negative Declaration, Initial Study and Agency referral responses

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COUNTY OF SAN LUIS OBISPO
NOTICE OF DETERMINATION AND
NEGATIVE DECLARATION

FOR OFFICIAL USE ONLY (jmc)

ENVIRONMENTAL DETERMINATION NO. ED00-124

DATE: NOVEMBER 16, 2001

PROJECT DESCRIPTION

APPLICANT/ENTITLEMENT: Craig General Plan Amendment; G990025M

PLANNING AREA: South County (Inland), rural

LAND USE CATEGORY: Residential Rural

PARCEL SIZE: Approximately 40 acres

LOCATION: Northwest corner of Willow Road and Via Concha, immediately west of the Black Lake Village on the Nipomo Mesa

PROPOSED USES/INTENT: A request to amend the South County Area Plan of the County's Land Use Element by changing 40 acres from Residential Rural to: approximately 16 acres of either Residential Suburban or Recreation land use category, and approximately 24 acres of Public Facility land use category, to allow for up to 16 residences and a public elementary or middle school

APPLICANT: Ken Craig; Oceano, CA

ENVIRONMENTAL SETTING

TOPOGRAPHY: Nearly level to gently sloping

VEGETATION: Grasses; forbs; eucalyptus

SOIL TYPE: Oceano sand

SOIL CHARACTERISTICS: Well drained; low erodibility; low shrink-swell potential; may present some limitations to the percolation of sewage effluent due to poor filtering characteristics

GEOLOGIC HAZARDS: Negligible landslide potential; low to moderate liquefaction potential

FIRE HAZARD: High

WATER: On-site well or to be provided by Nipomo Community Services District

SEWAGE DISPOSAL: On-site septic system or to be provided by Nipomo Community Services District

EXISTING USES: Vacant; undeveloped

SURROUNDING USES: Single-family residences; golf course; irrigated row crops

ADDITIONAL INFORMATION

Additional information pertaining to this environmental determination may be obtained by contacting the Department of Planning and Building - Environmental Division, County Government Center, Room 310, San Luis Obispo, CA 93408-2040, (805) 781-5600.

STATEMENT OF FINDINGS

The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Sections 21108, 21151 & 21167) is proposed.

ACTION TAKEN

On _____20____, the San Luis Obispo County Board of Supervisors/Planning Commission/Staff, having considered the Environmental Coordinator's action, approved/denied this project.

A copy of the Negative Declaration is available for review from the San Luis Obispo County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040.

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California Department of Fish and Game
CERTIFICATE OF FEE EXEMPTION
 De Minimis Impact Finding

PROJECT TITLE & NUMBER: Craig/Lucia Mar USD General Plan Amendment; G990025M/ ED00-124

Project Applicant

Name:	<u>Ken Craig</u>	<u>Mike Sears/Lucia Mar USD</u>
Address:	<u>P.O. Box 505</u>	<u>602 Orchard St.</u>
City, State, Zip Code:	<u>Oceano, CA 93445</u>	<u>Arroyo Grande, CA 93420</u>
Telephone #:	<u>805/489-1264</u>	<u>805/473-4390</u>

PROJECT DESCRIPTION/LOCATION: See attached Notice of Determination

FINDINGS OF EXEMPTION:

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- () The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- (X) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- () The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- () The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. _____.
- () Other: _____

CERTIFICATION:

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.


 for Ellen Carroll, Environmental Coordinator
 County of San Luis Obispo

Date: 11/16/01

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COUNTY OF SAN LUIS OBISPO INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST

Project Title & No. Craig/Lucia Mar USD General Plan Amendment; G990025M, ED00-124

Project Environmental Analysis

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staffs on-site inspection of the project site and surroundings and a detailed review of the information in the .file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project. Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

Initial Study Reference and Agency' Contacts: The following reference materials are used in the environmental review for each project and are hereby incorporated by reference into the Initial Study.

- Project File for the Subject Application
- County General Plan (Inland & Coastal, including all maps & elements)
- County Land Use Ordinance
- Area of Critical Concerns Map
- Fire Hazard Severity Map
- Natural Species Diversity Database
- Areas of Special Biological Importance Map
- Archaeological Resources Map
- Natural Resources Conservation Service Soil Survey for San Luis Obispo County
- Flood Hazard Maps
- Airport Land Use Plans
- Other special studies, reports and existing EIRs as appropriate

In addition to the above, the County Planning or Environmental Division have contacted responsible and trustee agencies for their comments on the proposed project. With respect to the subject application, the following agencies have been contacted (marked with an "X") or have responded (marked with "XX"):

- | | |
|---|--|
| <u>XX</u> County Public Works Department | <u>X</u> CA Department of Transportation |
| <u>X</u> County Environmental Health Division | <u>XX</u> <u>Nipomo</u> Community Service District |
| <u> </u> County Planning Division | <u>XX</u> <u>Other County of Santa Barbara</u> |
| <u>XX</u> County Agricultural Commissioner's Office | <u>XX</u> <u>Lucia Mar Unified School Dist.</u> |
| <u> </u> County Airport Manager | <u>XX</u> <u>County Parks & Recreation</u> |
| <u> </u> Airport Land Use Commission | <u>XX</u> <u>Nipomo Community Advisory Comm.</u> |
| <u>XX</u> Air Pollution Control District | <u>XX</u> <u>City of Arroyo Grande</u> |
| <u> </u> County Sheriffs Department | <u>XX</u> <u>SB Co. Flood Control District</u> |
| <u>X</u> Regional Water Quality Control Board | <u>XX</u> <u>SLO Council of Gov'ts</u> |
| <u> </u> CA Coastal Commission | <u>X</u> <u>City of Santa Maria</u> |
| <u>XX</u> CA Department of Fish and Game | <u>X</u> <u>City of Guadalupe</u> |
| <u>X</u> CA Department of Forestry | |

A. PROJECT DESCRIPTION

The Board of Supervisors directed that the Craig/Lucia Mar USD General Plan Amendment consist of redesignating forty (40) acres from Residential Rural (RR) to approximately sixteen (16) acres of Residential Suburban (RS) and approximately twenty four (24) acres of Public Facility (PF), in order to accommodate a total of sixteen (16) residential lots and provide for a future school site. The Public Facility portion will be donated to the Lucia Mar Unified School District (LMUSD) for a future elementary or middle school (serving up to 800 students). The Board further directed that if a school is not constructed, the 24 acres of PF would be used for passive open space use. If it is not satisfactorily demonstrated to the county that the school has ownership at the time the GPA is approved, it would remain in the Residential Rural category (with a standard that would allow only either a school or passive open space use. The Black Lake Village Reserve Line (VRL) is not proposed to extend over any of the subject property.

The applicant, after discussion with county staff and subsequent to the Board's action, has requested the following revisions be made from the above description to provide greater consistency with the Land Use Ordinance on residential development: the proposed 16 acres of RS be changed to the Recreation category with 1) a limit of 16 residential units; 2) a provision to cluster development that would allow for a minimum of 45% open space.

Due to the similarity of these two alternatives, when considering environmental effects, both are being considered as a part of the Initial Study process. As each environmental issue is considered, if there is any significant difference between these two alternatives, each will be discussed separately.

Should Lucia Mar USD decide to use the 24 acres for a school site, the District, as its own Lead Agency, will need to prepare its own environmental determination to evaluate project specific impacts and develop specific mitigation measures for any potentially significant effect. At this time, no specific school project is proposed.

The current designation of RR for 40 acres could result in up to 8 residential lots (each lot would allow for a primary and secondary residence). Elementary and middle schools are also currently allowed in this land use designation.

B. EXISTING ENVIRONMENTAL CONDITIONS

The topography of the 40-acre Craig property is mostly flat or gently-sloping (0-10%) terrain containing eucalyptus trees on the future school site portion and mostly barren on the proposed RS/REC area. The site is bordered on the south by Willow Road and on the east by Via Concha. Further to the east is the Black Lake Village which contains a 27-hole golf course with an adjacent residential community.

C. ENVIRONMENTAL ASSESSMENT

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study checklist). These impacts can be reduced to less than significant levels by implementation of one or more of the following: the proposed area plan standards are included as part of the project description; that the conceptual tract design may be revised or building envelopes be required as a part of a future tract map (due to potential project-specific impacts and constraints identified from project-specific technical reports); and that the school property will be subject to additional environmental review at the time a specific project is proposed.

Several of the potentially significant impacts identified in this Initial Study are based on limited availability of information and will require further studies by qualified experts when specific development is proposed. The

level of impact may be reduced to less than significant levels for those project-specific impacts if the studies called for (prepared by a qualified individual) provide sufficient information to show that the impact is insignificant or that there are adequate and feasible mitigation measures to reduce impacts to less than significant levels.

COUNTY OF SAN LUIS OBISPO INITIAL STUDY CHECKLIST

Not Applicable
Insignificant Impact
Impact Can & Will be Mitigated
Potentially Significant Impact

I. BIOLOGICAL RESOURCES

	(PS)	(M)	(I)	(NA)
A. Wildlife	()	(✓)	()	()
B. Vegetation	()	(✓)	()	()
C. Habitat Area	()	(✓)	()	()
D. Rare and/or Endangered Species	()	(✓)	()	()
E. Unique or Fragile Biotic Community	()	(✓)	()	()
F. State Area of Special Biological Importance	()	()	(✓)	()
G. Riparian/Wetland Area	()	()	(✓)	()
H. Other: _____	()	()	()	()

Botanical Resources - The subject property contains eucalyptus trees and previously-disturbed (graded) areas containing a mixture of native vegetation and invasive, weedy species.

According to the California Department of Fish and Game (correspondence dated January 30, 2001), the project area could contain several rare plants including Sand mesa manzanita, Well's manzanita, Pismo clarkia, Marsh sandwort, Gambel's watercress, Kellogg's horkelia, and Dune larkspur. Pismo clarkia, Marsh sandwort and Gambel's watercress are listed under both the State and Federal Endangered Species Acts. The other species are classified by the California Native Plant Society as rare and endangered in California and elsewhere.

Populations of the endangered Gambel's watercress and Marsh sandwort are known to be located in only two or three locations in California including the populations in Black Lake Canyon. According to the California Department of Fish and Game, monitoring of the Black Lake populations indicate a reduction in the distribution and number of plants of both species. Disruption of drainage patterns and pesticide/herbicide runoff from the nearby golf course are believed to be the primary sources of these declines. Therefore, any changes in drainage patterns or higher levels of chemical runoff as a result of the proposed project may represent a significant impact to these species. Loss or degradation of the Black Lake populations of these species from project activities is not acceptable to the California Department of Fish and Game and would meet the "jeopardy" thresholds under the Endangered Species Acts.

Monarch Butterflies/Raptors - The existing eucalyptus trees on the subject property may provide roosting area for the Monarch butterfly or nesting raptors. Given this potential, a standard should be added where these trees would be retained until it is shown that no Monarch butterfly roosting is occurring in these areas. A qualified entomologist should evaluate the remaining grove at the proper times of year (November through February) to determine if there is any evidence of temporary or permanent butterfly roosting sites. For raptors, when development is proposed, a provision should be included that identifies those sensitive nesting periods and avoid tree removal during these times.

Biological Assessment - Prior to any further site disturbance and as a part of any subsequent discretionary application, a biological assessment should be prepared to provide the necessary surveys and mitigation measures to reduce both direct site-specific impacts and cumulative impacts upon sensitive plant and wildlife resources. Surveys for these species shall be conducted by a qualified botanist and wildlife biologist during the proper time of year and shall follow the applicable survey protocol from the California Department of Fish and Game as well as the U.S. Fish and Wildlife Service.

Potential impacts to any sensitive species can be mitigated through on-site avoidance of sensitive plant species (e.g. permanently establishing areas to be left alone), on-site habitat preservation (such as through retention of existing trees), retention of potentially deleterious drainage flows on-site, off-site protection of sensitive species or a combination of which would be applied at future development of the site. Reconfiguration of future residential or school areas may be required in order to adequately mitigate for any sensitive biological resource. The proposed standard in Appendix A should reduce this impact to less than significant levels.

***Finding:** Incorporation and implementation of proposed planning area standards and standard mitigation measures at the time specific development is proposed will reduce potential biological resource impacts to a less than significant level.*

II. DRAINAGE, EROSION AND SEDIMENTATION

	(PS)	(M)	(I)	(NA)
A. Increased Storm Water Runoff	()	(✓)	()	()
B. Erodible Soils/Erosion	()	(✓)	()	()
C. Poorly Drained Soils	()	()	(✓)	()
D. Sedimentation	()	(✓)	()	()
E. Contributes to Existing Drainage Problem	()	(✓)	()	()
F. Alters Existing Drainage Course or Waterway	()	(✓)	()	()

Drainage - The subject property is made up of the Oceano sand soil unit, which drains well. Future project development will result in landform alteration which will affect on-site drainage patterns and create impervious surfaces which, in turn, will potentially increase the volume of storm runoff both on-and off-site. Potential impacts gain significance given the existence of State and Federally-listed Endangered species, Gambel's watercress and Marsh sandwort (both located to the north in Black Lake Canyon) and Pismo clarkia (located on the Nipomo Mesa in various locations).

Off-site drainage of impermeable surfaces from future school and residential development could impact surrounding properties. County Public Works has identified that all drainage shall be required to remain onsite. Future development on the subject property will be required to prepare a drainage plan (per County Land Use Ordinance, Sec. 22.05.040) that will be incorporated into the development to minimize potential drainage impacts. This drainage plan (Sec. 22.05.044) will need to include adequate measures, such as constructing onsite retention and detention basins, or installing surface water flow dissipaters. The drainage plan for the increased runoff from new construction will need to show that there will not be any increase in surface runoff beyond that of historic flows. The proposed standard in Appendix A should adequately address the on-site drainage retention issue to less than significant levels.

Sedimentation and Erosion - Project grading will also create exposed graded areas subject to increased soil erosion and down gradient sedimentation. The Natural Resource Conservation Service Soil Survey identifies the potential erodibility of the soil as high. Erosion of graded areas and discharge of sediment down gradient will likely result if adequate temporary and permanent measures are not taken before, during and after vegetation removal and grading. If not properly mitigated, these impacts both on the project site and within surrounding areas may be significant.

When the relatively gentle slopes of the subject property are combined with standard control measures (e.g., a sedimentation and erosion control plan would be typically included as a part of future residential tract and school development (per County (LUO secs.22,05.032, 22.05.034)), erosion and sedimentation impacts should be mitigated to less than significant levels. Furthermore, when future development with specific designs are submitted, discretionary permits will be required which will further evaluate and determine if additional mitigation is warranted above what is required in the Land Use Ordinance to keep potential impacts to a minimum.

Finding: *Incorporation and implementation of standard mitigation measures, and adherence to proposed standards at the time specific development is proposed will reduce potential drainage, sedimentation and erosion impacts to a less than significant level.*

III. GEOLOGICAL HAZARDS/SITE ALTERATION

	(PS)	(M)	(I)	(NA)
A. Landslide Hazard	()	(✓)	()	()
B. Seismic Hazard	()	(✓)	()	()
C. Topographic Alteration; Grading for Building__, Driveways__, Roads__, Other__	()	(✓)	()	()
D. Soil Expansion	()	()	(✓)	()
E. Steep Slopes	()	()	(✓)	()
F. Other: _____	()	()	()	()

Geological Conditions - This request is not within the "Geologic Study" combining designation. Liquefaction risk potential is considered "low to moderate". Landslide risk potential is considered "negligible". No active faulting is known to exist on or near the subject property. Standard construction practices are expected to adequately address any seismic safety concerns.

Finding: *Incorporation and implementation of standard mitigation measures at the time specific development is proposed will reduce potential geologic hazard or site alteration impacts to a less than significant level.*

Topographic Alteration - Topography for the subject property ranges from nearly level to mostly gently sloping. Substantial quantities of dirt may be moved if future development proposes large flat lots. Refer to Sections II and V for impacts to drainage, sedimentation, erosion and air quality. Future landscaping required when specific development is proposed combined with the conceptual subdivision design will adequately address the potential visual impacts associated with this activity.

Finding: *Incorporation and implementation of standard mitigation measures at the time specific development is proposed will reduce potential impacts associated with topographic alteration to a less than significant level.*

IV. WATER RESOURCES

	(PS)	(M)	(I)	(NA)
A. Groundwater Quantity	()	(✓)	()	()
B. Groundwater Quality	()	(✓)	()	()
C. Surface Water Quantity	()	(✓)	()	()
D. Surface Water Quality	()	(✓)	()	()
E. Stream Flow Change	()	(✓)	()	()
F. Change to Estuarine Environment	()	()	(✓)	()
G. Other: _____	()	()	()	()

Groundwater Basin - This project is on the Nipomo Mesa and within the Santa Maria groundwater basin.

Regional water reports (e.g., Department of Water Resources(DWR), Woodlands, Ludhorf & Scalmini) have been prepared on the status of the Santa Maria groundwater basin. The County's Resource Management System Annual Resource Summary Report (2000), using the more conservative draft DWR report, identifies the future outflow of the Nipomo Mesa subarea to exceed inflow by 2,000 acre feet/year by the year 2020. The Summary Report indicates that one of the major concerns are the pumping depressions being created by the larger water purveyors for urban uses (e.g., NCSD, Southern California Water Co., etc.). This is reinforced by the DWR report, which identifies a fairly large groundwater depression under the southwest portion of the Nipomo Mesa.

Potential Water Usage - The area (16 acres) proposed for the Recreation land use category will be required to connect to existing water supply transmission facilities operated by the Nipomo Community Service District (at Black Lake). These connections will eliminate the use of on-site wells for water supply for future residential development. On-site septic tank/leach line systems are expected for wastewater treatment of the residential lots. Potential water impacts from this aspect of development is considered to be very similar to what could be allowed for the 40 acre area under the Residential Rural category. Therefore, when comparing the change in potential residential development between existing and proposed, there is no potentially significant increase in water use. The establishment of 16 residences would total about 8,000 gallons/day (500 gallons per day per dwelling unit). The potential change in water quality (including water extraction and septic system effluent) would be insignificant.

A future middle or elementary school, if the District chooses to build on this property, will likely utilize on-site wells and possibly an on-site wastewater system. However, due to the close proximity of NCSD's water and wastewater facilities, these community services may be used in the future. In most cases, schools typically are "growth-accommodating", where they are responding to an existing demand. Most of the future students to be served already live in the surrounding area.

Based upon actual usage data for similar facilities provided by the Lucia Mar School District (7,629,600 gallons per year divided by 250 days to provide a reasonable "worst case" average), it is estimated that about 30,500 gallons per day could be needed for a middle school. However, since the type or size of school is not known, it is somewhat speculative to further analyze the potential effects of a future school at this location. As proposed, the PF or RR designation would revert to a passive open space use, should the District decide not to build a school. When a specific project is developed, the District will need to evaluate the school's impacts on the long-term sustainability of the water source. Wastewater generated from a future school, and its potential impacts to water quality, will need to meet the Central Coast Basin Plan, which should minimize potential water quality impacts to less than significant levels.

Implementation of water conservation measures, such as the use of drought-tolerant landscaping, ultra low-flow water fixtures, use of reclaimed water for irrigation, etc., as future project development occurs, could reduce potential groundwater and water supply impacts. Should the effluent for the residences or the school be treated at the Black Lake wastewater facility, it would be used as irrigation water for the golf course, which would reduce the amount of irrigation water pulled directly from the groundwater basin now used for the golf course.

Finding: *Incorporation and implementation of water conserving mitigation measures at the time specific residential development is proposed will reduce potential impacts associated with water to a less than significant level.*

Surface Water Quality - Development of the proposed project will result in the creation of impervious surfaces (streets, roofs, parking lots, etc.) that will increase the rate of storm flow runoff. Development of the proposed project will alter the composition of surface runoff due to site grading, the construction of impervious surfaces and the irrigation of landscaped areas. Once developed, runoff from streets, roofs, parking lots and landscaped areas will result in the accumulation of oils and hydrocarbon products, detergents, pesticides,

fertilizers and other debris. This runoff, typical of urban use, could, without proper on-site detention, contribute to the incremental degradation of downstream water quality including Black Lake Canyon which is known to contain two State and Federally-listed species. Standard ordinance requirements, combined with future individual project review, will provide adequate mitigation to reduce surface water quality impacts to less than significant levels. Future development on this property may be subject to a "Stormwater Pollution Prevention Plan", which would further reduce potential surface water impacts.

With continued pumping of groundwater from the Nipomo Mesa, either from on-site wells or from connection to Nipomo Community Services District facilities, reduced quality of groundwater could also result due to increased concentrations of dissolved solids. When considering the residential portion of the request, groundwater impacts are similar to what currently would be allowed under the existing zoning and therefore not resulting in any additional impacts. At such time that a specific school project is proposed for the remaining property, additional water quality analysis may be appropriate to determine potential significance. However, establishment of a school is also already allowed within the Residential Rural land use category.

Finding: *Incorporation and implementation of standard mitigation measures at the time specific residential development is proposed will reduce potential water quality impacts to a less than significant level.*

Wastewater - When future development is proposed, it will need to comply with the RWQCB's Central Coast Basin Plan for wastewater. Under the Basin Plan, when favorable conditions are established, on-site systems may be on parcels as small as ½ acre. The main limitation to having on-site wastewater facilities for this area is the poor filtering characteristics due to the very permeable sandy soil, and need for larger separations between the leach lines and the groundwater basin.

To be consistent with the Land Use Ordinance, the proposed Residential Suburban category is an "urban" land use category and would need to be added to the adjacent Village Reserve Line (VRL), and be encouraged to connect to the existing Black Lake village infrastructure, which includes a community wastewater system. However, the Board directed that the property remain outside of the VRL. To remain outside the VRL and be consistent with the LUO, the 16 acres would need to be placed in the Recreation category, with lot sizes that average one acre or more (what is being proposed by the applicant). With community water, on-site wastewater systems would be possible.

The remaining property proposed for the Public Facilities category (future school site or open space) would also not be added to the Black Lake village reserve line. At this time, it is unknown if the school would use an on-site system or connect to the Black Lake system. In either case, additional analysis would be needed to insure that it meet RWQCB's Central Coast Basin Plan for wastewater. Should either of the residential or school uses connect to the existing Black Lake wastewater facility, substantial reductions of water use could result, assuming the treated water could be applied to the existing golf courses (and save groundwater from being directly extracted for the same purpose).

Finding: *Incorporation and implementation of standard mitigation measures at the time specific development is proposed will reduce potential wastewater impacts to a less than significant level.*

Estuarine Impacts - This project is not close enough to any estuarine habitat to pose any potentially significant impacts to this type of habitat.

V. POLLUTION

	(PS)	(M)	(I)	(NA)
A. Hazardous Materials	()	(✓)	()	()
B. Groundwater Pollution	()	(✓)	()	()

(PS)-Potentially Significant impact; (M)-Impact Can & Will be Mitigated; (I)-Insignificant Impact; (NA)-Not Applicable

C.	Surface Water Pollution	()	(✓)	()	()
D.	Increase in Existing Noise Levels	()	(✓)	()	()
E.	Exposure of People to Severe Noise Levels	()	(✓)	()	()
F.	Substantial Air Emissions	()	(✓)	()	()
G.	Deterioration of Ambient Air Quality	()	(✓)	()	()
H.	Creation of Objectionable Odors	()	()	(✓)	()
I.	Other <u>Golf hazards</u>	()	(✓)	()	()

Hazardous Materials - The future school may include activities that involve small amount of hazardous material. While specifics about a future school are not known, standard requirements are in place that are expected to adequately address any school-related hazardous material storage and use.

Finding: *Incorporation and implementation of standard mitigation measures at the time specific development is proposed will reduce potential hazardous materials/waste impacts to a less than significant level.*

Noise - Temporary, short-term noise impacts will be generated during future construction of residences and a school. Noise generated by chain saws, grinders, construction equipment, including trucks, graders, bulldozers, scrapers, loaders and concrete mixers can reach high levels. The subject property will be graded in order to prepare for construction of the proposed structures, roadways, parking lots, etc. Project grading activities and tree removal provide the greatest potential for construction-related noise impacts. The peak noise level for most construction equipment that will be used during the project construction is 70 to 95 dBA at a distance of 50 feet. Peak construction noise is estimated to reach a range of 58 to 83 dBA at a distance of 200 feet, the distance to the closest residential dwelling unit. The closest residences within the Black Lake development will experience construction noise ranging between 52 and 77 dBA. Establishment of a school is already allowed within the Residential Rural land use category.

Typically, these noise levels will only be reached for short periods during the day. Mitigation measures can be applied during future project construction, including limitation of construction hours, use of "critical" grade noise mufflers, and locating construction vehicle routes away from existing residences, which will reduce construction-related noise impacts to an insignificant level. As determined necessary through subsequent discretionary review, these measures will be applied to future construction activities.

Future development of the subject property will also result in the generation of additional vehicular traffic onto Willow Road and other local roadways, including Via Concha, Black Lake Canyon Road and Pomeroy Road. Based upon noise measurements and estimates conducted in 1996 for the Willow Road Extension/Highway 101 Interchange Environmental Impact Report, Willow Road is expected to experience future traffic noise levels exceeding 65.5 db CNEL after the extension of Willow Road to Thompson Road is completed. Future noise levels are projected to reach 64.2 db CNEL without the extension of this roadway.

The approximate 160 average daily trips expected from 16 new residences in the Recreation or Residential Suburban category would be similar to what could be allowed under the existing zoning. This would not result in potentially significant change to ambient noise levels on surrounding roadways or adjacent sensitive noise receptors (e.g., residences). Noise from these roadways as it may impact future residences (interior and exterior noise levels) within the proposed residential category can be substantially reduced by measures, including but not necessarily limited to the following measures: setback from any significant noise source(s); install noise barriers (walls, berms, etc.); utilize special construction techniques. Determining which measures would be appropriate will be specifically addressed when a specific tract map is proposed.

While no specific school is currently proposed on the proposed PF designated area, a substantial increase in traffic could be associated with a future elementary or middle school, which in turn could increase noise levels

on surrounding roads.

The future elementary or middle school may potentially generate noise impacts to surrounding residences due to various outdoor activities. The location of outdoor use areas (athletic fields, etc.) as well as the use of landscaped berms will be critical factors in the reduction of school-related noise impacts to surrounding residences and meeting the County's 60 decibel threshold. Additional noise analysis should be completed once the size of the school is determined and location of the facilities. The analysis should also consider the surrounding road noise impacts on children in the classrooms and in the play areas. It is expected that sufficient measures can be designed into the school development to reduce potentially significant noise impacts to insignificant levels.

A standard that project-specific noise assessments be prepared for future project-specific development should be required to evaluate and/or identify the need for detailed design measures (such as noise barriers, setbacks or relocation of residences) that may be necessary to reduce potential long-term noise impacts to a less than significant level. The proposed standard in Appendix A should reduce this impact to less than significant levels.

Finding: *The proposed standard, along with existing applicable standards, is expected to reduce stationary and mobile noise impacts to less than significant levels.*

Air Quality - In 1989, the State Air Resources Board designated San Luis Obispo County a non-attainment area for exceeding the State's air quality standards set for ozone and dust (small particulate matter). The Air Pollution Control District (APCD) estimates that automobiles currently generate about 40% of the pollutants responsible for ozone formation.

Dust, or particulate matter less than ten microns (PM 10), can be emitted directly from a source, and can also be formed in the atmosphere through chemical transformation of gaseous pollutants. Nitrous oxides (NOx) and reactive organic gasses (ROG) pollutants sometimes contribute towards this chemical transformation into PM10.

It is likely that much of the subject property will be disturbed to accommodate the proposed uses. This would result in both short-term vehicle emissions and the creation of dust during construction. Standard construction mitigation measures for air quality would be required which would substantially reduce most construction-related air quality impacts.

Residential. Once constructed, operational emissions for the residential portion of the project are estimated to be in the 6 to 9 pound per day range for NOx at project build-out. According to the APCD CEQA Handbook, any project with potential to generate 10 to 24 pounds per day of NOx emissions has the potential to cause significant air quality impacts. The residential portion of this request is similar to what is currently allowed and, based on the above-referenced emission potential, is not expected to result in potentially significant air quality impacts.

The residential portion of the project would be subject to the South County Air Quality Mitigation fee, which is intended to mitigate the cumulative effects of new residential development within the South County planning area. This program does not address commercial development. This program funds several strategies within the South County to improve air quality and reduce single-occupant vehicles, by:

- 1) attracting transit ridership through regional bus stop improvements,
- 2) encouraging carpooling through park-and-ride lot improvements and ridesharing advertising,
- 3) promoting the use of bicycles through bike lane installation,
- 4) reducing dust through limited road paving of several unpaved roads, and

5) providing electronic information/services locally to reduce vehicle trip lengths.

This program has helped fund the purchase of a clean-fuel bus now in operation.

School/Open Space. While not specifically known, the additional vehicle miles generated by a future school would likely result in emissions that would exceed APCD's threshold. These emissions will be partially offset by diverting a significant number of longer vehicle trips from existing schools much further away to a shorter trip to a future school on the project property. A shortage of school sites can result in increased trip generation and travel distance as existing schools attempt to serve an increasing number of school children at greater distances from the existing school site. As such, new schools typically generate few additional vehicle trips. In the opinion of the APCD, new schools tend to be growth-accommodating, rather than growth-inducing. The future school will likely result in reduced commute lengths and, if coordinated with the local street and circulation system, may result in an overall reduction in trip generation. At the time specific development is known and impacts can be quantified, project-specific mitigation measures will likely be necessary to reduce these emission levels. Also, establishment of a school is already allowed within the Residential Rural land use category.

If the future school is not constructed, emissions from passive recreational uses would be relatively minor and insignificant.

Finding: *Standard construction measures is expected to reduce short-term construction impacts to less than significant levels. Incorporation and implementation of standard mitigation measures at the time specific development is proposed will reduce potential project-specific air quality impacts to a less than significant level.*

Objectionable Odors - This future development would introduce sensitive receptors in proximity to the Tosco/Unocal Refinery and would increase the population subject to intermittent odors generated by this facility. When the plant is operating properly, there should be minimal odors to surrounding properties. However, there will also be occasions when odors from the plant will be noticeable. However, while complaints will likely increase for APCD, the potential health risks related to these odors has not been found to be above acceptably safe levels, as analyzed by APCD, and is not anticipated to result in a significant impact. Notification to all future residential lot owners is already required relating to the plant's existence and its periodic potential of generating unpleasant odors.

Finding: *No significant impacts relating to odors have been identified.*

Golf Hazards - The proposed area for residential development will be adjacent to the one of the fairways (Hole #7) of Black Lake Golf Course. While a tall windrow of eucalyptus trees exists on the right side of the fairway to intercept many errant drives, a small percentage will go through or over these trees onto the subject property. No trees exist on the subject property to help intercept these errant balls. Lot design and building design/materials would help reduce future structural safety accidents. The planting of a windrow or two of large, fast-growing evergreen trees combined possibly with the installation of a golf ball safety net along Via Concha would reduce the potential of hazardous balls hitting people. The proposed standard in Appendix A should reduce this impact to less than significant levels.

Finding: *The proposed standard, along with existing applicable standards, is expected to reduce golf hazard impacts to less than significant levels.*

5-61

5-31

VI. TRAFFIC

	(PS)	(M)	(I)	(NA)
A. Increase in Vehicle Trips	()	(✓)	()	()
B. Reduced Levels of Service on Existing Public Roadways	()	(✓)	()	()
C. Limited or Unsafe Access	()	(✓)	()	()
D. Creates Unsafe Conditions on Public Roadways	()	(✓)	()	()
E. Areawide Traffic Circulation	()	(✓)	()	()
F. Internal Traffic Circulation	()	(✓)	()	()
G. Other: _____	()	()	()	()

Existing Conditions/Proposed Amendment - Future development will access onto Willow Road and Via Concha. Willow Road is a two-lane roadway which connects Highway 1 to the west with Pomeroy Road to the east. The County of San Luis Obispo has certified a Final EIR and has selected an alignment for the extension of Willow Road to the east, past Pomeroy Road and Highway 101 to terminate at Thompson Road. Via Concha is a two-lane local roadway serving residential uses north of Willow Road including the Black Lake Village.

Future development of sixteen residential dwelling units is estimated to generate a total of 153 daily vehicle trips or a total of 17 peak hour vehicle trips, based upon a daily generation rate of 9.57 trips per dwelling unit and an 11 % peak hour factor (rates provided by the Institute of Traffic Engineers). The future elementary or middle school could range from 350 to 800 students. Without more specific project description details it is too speculative to determine the potential significance of school-related traffic. Promoting the bussing of students could reduce this "worst-case" estimate of school-related vehicular traffic generation.

Conceptual project plans indicate school access being taken from Willow Road. Based on initial comments from the County Public Works Department, vehicular and bus traffic generated by a future school may potentially restrict circulation on Willow Road if access is taken directly and exclusively from this roadway. Traffic backups on Willow Road during student drop-off and pick-up periods may create an unsafe condition on this public roadway, especially as it approaches Country Wood Lane and Albert Way. Therefore, as a part of any future subdivision, sufficient area along Via Concha that is adequately setback from Willow Road should be reserved for potential access to the school property. This would only be used if it is determined necessary to maintain adequate traffic safety and circulation along Willow Road.

Future residential development would be about the same as what is currently be allowed. Therefore, no additional cumulative effects are expected and the existing cumulative fee program already addresses this level of development.

The future school site, given its distance from any urban areas with children, may represent an incremental increase to cumulative traffic levels throughout the project area. This increase should be evaluated at the time specific information is known of whether it will be an elementary or middle school, and how many students would be attending. At that time, specific mitigation measures should be developed, if warranted by the traffic analysis. Also, establishment of a school is already allowed within the Residential Rural land use category. The proposed standard in Appendix A should reduce this impact to less than significant impacts.

Should the 24-acre portion be used for passive recreational purposes, very low volumes of traffic would be expected and should not result in potentially significant traffic impacts.

Finding: *Incorporation and implementation of standard mitigation measures at the time specific residential development is proposed will reduce potential residential traffic impacts to a less than significant level. Due to the speculative nature of future development on the 24-acre portion, it is not known if potentially significant traffic impacts could result. If a school is proposed, a traffic study should be completed to determine potential*

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impacts and feasible mitigation measures to reduce these impacts to insignificant levels. Any future subdivision should reserve school access onto Via Concha in the event traffic safety or circulation concerns are identified for using Willow Road as the only access for the school.

VII. PUBLIC SERVICES

	(PS)	(M)	(I)	(NA)
A. Fire Protection Services	()	(✓)	()	()
B. Police/Sheriff Services	()	(✓)	()	()
C. Schools	()	(✓)	()	()
D. Community Wastewater	()	(✓)	()	()
E. Community Water Supply	()	(✓)	()	()
F. Solid Waste Disposal	()	(✓)	()	()
G. Onsite Wastewater	()	(✓)	()	()
H. Onsite Water	()	(✓)	()	()
I. Other: _____	()	()	()	()

Fire Hazards - The project is located within a moderate fire hazard severity area. The project is less than ten minutes from the closest permanent CDF fire station facility. New development will be required to prepare and comply with a CDF-approved fire safety plan. Compliance with these future project-specific fire safety plans should reduce impacts to a less than significant level. Sufficiently high water flows/firewater storage would need to be provided for a future school, which should be fully addressed at the time the school is proposed.

Public Services (Cumulative) - The proposed amendment will have cumulative/public service impacts in the following areas: traffic, fire and police/sheriff protection and air quality. To minimize traffic impacts, future development will be subject to a "fair share" fee as established through the South County Circulation Study (which may change after the new amendments are considered). For fire and police/sheriff protection, a "fair share" fee will be required through the Countywide Public Facilities fee program. In efforts to bring the County back into "attainment" for ozone and respirable particulate matter, in addition to the South County Air Quality mitigation program, the Clean Air Plan includes numerous pollution-reducing strategies, of which one or more may be applicable to future development.

Schools -Relating to the proposed residential zoning, to minimize impacts to the school system, the State requires that the residential portion of the project contribute its "fair share" based on the structure's square footage. In addition, the recent passage of Proposition IA along with Senate Bill SB50, provides for a \$9.2 billion dollar state bond statewide for facility improvements of public school districts and California institutions of higher learning. These new laws also prohibit the county from imposing any fees or other requirements not specified in these statutes, as well as not allowing the county to deny or condition a project based on inadequate school facilities. Providing for a school at this location would help relieve the District's need for additional schools on the Nipomo Mesa.

Water Services - Please refer to the water section discussion for potential water availability impacts. The Nipomo CSD has prepared water line capacity studies, and, if subarea-wide groundwater is shown to be available long-term, they have indicated that they have the general capacity to serve this density increase.

Finding: Incorporation and implementation of standard mitigation measures, as described above, at the time specific development is proposed are expected to reduce public service impacts to a less than significant level.

VIII. AESTHETIC/CULTURAL RESOURCES

	(PS)	(M)	(I)	(NA)
A. Visual Impact from Public Roadway	()	(✓)	()	()

(PS)-Potentially Significant impact; (M)-Impact Can & Will be Mitigated; (I)-Insignificant Impact; (NA)-Not Applicable

5-63

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- | | | |
|----|-------------------------------|-----------------|
| B. | Increased Light or Glare | () (✓) () () |
| C. | Alters Important Scenic Vista | () () (✓) () |
| D. | Archaeological Resources | () (✓) () () |
| E. | Historic Resources | () (✓) () () |

Visual Resources - The existing undeveloped subject property can be characterized as mostly flat or gently sloping. Approximately 10 acres of trees have been removed recently near Willow Road and Via Concha. The remaining 30 acres are covered with eucalyptus. The surrounding areas contain both rural and urban elements. Eucalyptus trees, scattered residences and limited agricultural uses can be found to the south, west and north, and the Black Lake Village and golf course to the east. Future development allowed by the General Plan Amendment will likely result in the permanent alteration in the appearance of the 40-acre site from adjacent vantage points including views from Willow Road and Via Concha. Residential and school uses will also likely generate light and glare impacts onto areas adjacent to the project site.

In order to maintain a rural character to surrounding development, as future project development is proposed, a standard to prepare a Tree Retention/Landscape Plan should be required to show how landscape buffering and/or retention of existing trees surrounding the proposed residential area and future school will be done to maintain a more rural atmosphere. Landscaping should include faster growing evergreen shrubs and trees to quickly fill the visual foreground in order to preserve this rural character. Where possible, tree species should be native to the area. Retention of key trees could substantially reduce the direct light and glare from potential lights used for play fields.

On-site trees should be retained until these landscape plans are complete in order to utilize to the extent feasible existing sources of screening for future structures on the subject property.

Future residential development will be subject to discretionary actions and additional environmental review, where additional visual mitigation measures could be required, if necessary to further reduce potential visual impacts.

The proposed standard in Appendix A should reduce this impact to less than significant levels.

Finding: *It is expected that incorporation and implementation of standard mitigation measures, and adherence to proposed standards at the time specific development is proposed will reduce potential visual impacts to a less than significant level.*

Archaeological Resources - An archaeological surface survey has been completed for the recently disturbed portion (about 10 acres) of the 40-acre site (Parker; April, 2001). A sparse scatter of prehistoric stone tools was found. Due to the type and low density of materials found, the archaeologist recommends that monitoring of future development on the proposed Recreation/Residential Suburban category at the time specific development is proposed would be sufficient for this portion of development. However, if significant resources are encountered during site grading, additional mitigation measures would be expected. This may include structure relocation to avoid the resource.

Prior to development on the remaining 24 acres for school/open space development, a project-specific site survey for cultural resources will need to be conducted to determine the presence of any archaeological or historical resources. If resources are encountered for this portion, future project development will need to provide mitigation measures to reduce or eliminate potential impacts to any cultural resources found. Relocation of future school uses may be required in order to avoid these resources.

Finding: *Incorporation and implementation of standard mitigation measures, as discussed, at the time specific*

development is proposed, the potential cultural resource impacts should be reduced to a less than significant level.

IX. HOUSING AND ENERGY

	(PS)	(M)	(I)	(NA)
A. Creates Substantial Demand for Housing	()	()	(✓)	()
B. Uses Substantial Amount of Fuel or Energy	()	(✓)	()	()
C. Encourages Growth Beyond Resource Capacities	()	(✓)	()	()
D. Other:	()	()	()	()

Housing Demand - The proposed project is not anticipated to create a substantial demand for additional housing; future development responds to existing housing demand through the provision of 16 residential dwelling units.

Finding: *Incorporation and implementation of standard mitigation measures at the time specific development is proposed would substantially reduce the demand for housing to a less than significant level.*

Energy - A future school could potentially require substantial amounts of energy. The power companies providing electricity to the State of California currently have limited supplies. It is expected that for an interim period until more power sources can be found or built (probably at least two years away to adequate power supplies), the state's power supply will be limited. The County's Energy Element includes a number energy saving measures that could be applied to a school to reduce energy demands, above what is now required by the state. While a county permit to allow a future school may not be necessary, the county would encourage that all feasible measures in the Energy Element be incorporated into any future school and its associated facilities.

Finding: *Incorporation and implementation of standard mitigation measure, at the time specific development is proposed will reduce potential energy impacts to a less than significant level.*

Resource Capacities - Potentially limited resources relating to this project include: water quantity and quality, and road capacities. The proposed residential portion is very similar to what is currently allowed and will not substantially increase the demand of these resources. Relating to a future school or open space area, it is too speculative to know if this future development could significantly contribute to encouraging growth beyond resource capacities. At a regional level, whether a future school is located on the subject property or somewhere else on the Nipomo Mesa, the water and air quality impacts would be very similar. In most cases, schools typically are considered "growth-accommodating", where they are responding to an existing demand. Most of the future students to be served already live in the surrounding area.

Traffic impacts will vary to a greater extent, especially as the affected road is located nearer to the school (see Traffic section). However, without a specific school project to consider, it is somewhat speculative to determine if general traffic capacities will be significantly diminished as a result of school traffic. Also, establishment of a school is already allowed within the Residential Rural land use category.

Typically, establishment of schools in rural areas may encourage surrounding rural categories to rezone with higher residential densities. Each such request would be looked at on its own merits and its potential impacts to these limited resources.

Finding: *Incorporation and implementation of standard mitigation measures at the time specific development is proposed would substantially reduce impacts on limited resource capacities to a less than significant level.*

X. AGRICULTURAL/MINERAL RESOURCES

	(PS)	(M)	(I)	(NA)
A. Eliminates Valuable Mineral Resources	()	()	()	(✓)
B. Prime Agricultural Soils	()	()	()	(✓)
C. Conflicts with Existing Agricultural Area	()	(✓)	()	()
D. Change from Agriculture to Other Uses	()	()	(✓)	()
E. Other:	()	()	()	()

The project does not propose to eliminate or extract any valuable mineral resource.

Agriculture - The project is made up of the Oceano sand soil unit. Oceano sand is given a Class IV soil rating, which is not considered prime. The project site is currently in an undeveloped condition and is not used for agricultural purposes. Existing agricultural uses (strawberry fields) are found immediately west of the subject property.

The proposed project was referred to the Agricultural Commissioner's Office to determine what potential conflict the proposed project might have on surrounding agricultural operations. At a cumulative level, the Ag Commissioner's letter did identify the potential for agricultural resources being significantly impacted as follows: much of the area proposed for conversion are well suited for certain orchard (avocado, lemon) and row crops (strawberry, certain vegetables), as well as nursery operations; non-ag use of water potentially will result in a significant reduction in quantity and quality of water for agricultural use.

The proposed residential portion of the requested GPA is located far enough from any existing agricultural operations to result in minimal potential agricultural conflict. The potential amount of water used would be similar as to what is currently allowed.

Regarding the future school area, it is expected that a building/use setback will be necessary to minimize conflict between the school and the agricultural activities along the western edge of the property. While a common setback for this type of use is 300 to 500 feet, the Agricultural Commissioner's Office will need to review a specific project to determine the most appropriate setback distance. The new Nipomo high school used a 500-foot building setback to mitigate potential impacts. A future school will need to be carefully designed to avoid potentially significant conflicts with this adjacent agricultural activity. Activities that may be allowed within this setback area could likely include such uses as: roads, parking lots and detention basins. A proposed standard in Appendix A should reduce this impact to less than significant levels.

An elementary or middle school would be allowed under the existing Residential Rural zoning. Without a specific school project to consider, it is speculative to determine the significance of the water usage impacts to agriculture. Should the school connect to the Black Lake wastewater system, substantial water savings could result.

Finding: *Incorporation and implementation of standard mitigation measures, as well as the proposed standard, at the time specific development is proposed would substantially reduce impacts on agricultural resources to a less than significant level.*

XI. GROWTH INDUCING/CUMULATIVE EFFECTS

	(PS)	(M)	(I)	(NA)
A. Growth Inducing Effects	()	()	(✓)	()
B. Precedent for Change in Area Land Use	()	()	(✓)	()
C. Cumulative Effects: _____	()	(✓)	()	()

(PS)-Potentially Significant impact; (M)-Impact Can & Will be Mitigated; (I)-Insignificant Impact; (NA)-Not Applicable

Growth Inducing/Precedent for Change - Approval of this project has the potential to induce further urban growth. However, elementary and middle schools are already allowed within the Residential Rural land use category, and is not considered potentially significant.. The proposed one acre residential densities are similar to the densities currently allowed within the adjacent Recreation category in the Black Lake village.

Cumulative - Seven other general plan amendments within the South County planning area are currently being considered, as well as amendments to the Growth Management Ordinance that were not considered in the previous EIR prepared for the South County Area Plan. In summary, these amendments, including the proposed project, if approved would result in the following changes:

Rural Lands (34.5 acres; 500 student school w/ 75 dormitories);
 Residential Rural (21 acres; 8 residences; remove planning area standards - 37 residences);
 Residential Suburban (32 acres, 64 new residences; 16 acres -16 residences);
 Commercial Service (40 acres; 523,000 sq. ft. of buildings);
 Commercial Retail (42 acres; 175,000 sq. ft (@ 10%) of building),
 Public Facilities (24 acres, elementary school)
 Recreation (136.5 acres; 103-unit lodge, allow more commercial uses); Growth Management (180 exemptions; possible additional units from unused allocations for South County use).

Several of these GPA requests are considered large enough to be cumulatively significant. The preparation of EIRs for these projects will be addressing these cumulative effects. This project is not considered cumulatively significant for the following reasons: 1) the requested residential density of 16 units is similar to what is allowed under the current Residential Rural designation for the subject property; 2) the Residential Rural land use category already allows for elementary and secondary schools.

Also, a number of fees are in place (see previous sections) to address the following issues at a cumulative level: traffic, air quality, public services (fire, police), schools and recreation.

Finding: *Incorporation and implementation of standard mitigation measures at the time specific development is proposed would substantially reduce cumulative impacts to a less than significant level.*

INITIAL STUDY PREPARATION

Prepared by: Name John McKenzie Signature John McKenzie Date 11/8/01
 Reviewed by: Name John Nall Signature John Nall Date 11/8/01

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APPENDIX A - PROPOSED PLANNING AREA STANDARDS RELATING TO ENVIRONMENTAL ISSUES/INITIAL STUDY

Addition and subsequent implementation of the following standards to the County's South County Area Plan, Rural Area Standards will substantially reduce the following potential environmental impacts: water, biological resources, drainage, noise, traffic, visual resources and golf hazards. Other issues are expected to be less than significant when typical ordinances or mitigation measures are applied.

PUBLIC FACILITIES / RESIDENTIAL RURAL: The following standards apply only to land shown in Figure 7-xx west of Via Concha.

1. **Limitation on Use.**
 - a. Allowable uses shall be limited to the following allowable uses in the Public Facilities land use category per Table O, Framework for Planning (Inland), only in the event that the site is acquired by a public agency or special district and committed to public facility uses: Schools (pre to secondary) .
 - b. If the site is not acquired by a public agency or special district and committed to public facility operations, uses shall be limited to: Outdoor Sports & Recreation (play lots, playgrounds, athletic fields, non-vehicle trails only); public parks.
2. **Biological Resources.** Prior to any tree removal:
 - a. a survey by a qualified entomologist for Monarch butterflies shall be performed at the proper times of the year. Should any temporary or permanent site be encountered, all appropriate and feasible measures shall be applied to reduce impacts to less than significant levels.
 - b. to avoid conflicts with nesting raptors, tree removal or construction activities shall not be allowed during to the nesting season (March to July), unless a county-approved, qualified biologist has surveyed the impact zone and determined that no nesting activities will be adversely impacted.
3. **Drainage.** All drainage from future development shall be retained on site.
4. **Noise.** Noise levels generated from establishment of a school shall comply with the County Noise Element for surrounding noise sensitive uses.
5. **Traffic.** Prior to approval of a school, a traffic study shall be prepared to evaluate traffic safety and circulation impacts from all school access points onto county-maintained roads. This analysis should determine the need for access onto Via Concha.
6. **Rural Character.** To maintain a rural character, as seen from Willow Road:
 - a. sufficient landscaping and/or retention of existing trees will be used to accomplish an 80% screening of new development;
 - b. All night lighting shall be directed down and into the development with no direct light visible from surrounding public roads;
 - c. If any night lighting of athletic fields is being considered, all existing trees shall be retained until such time as the siting of such fields has been approved. As a part of that siting, key

corridors of existing trees shall be identified for preservation to screen night lighting from residential areas.

7. **Agricultural Compatibility.** Design of school facility shall incorporate adequate agricultural setbacks to minimize conflicts between children and surrounding agricultural operations.

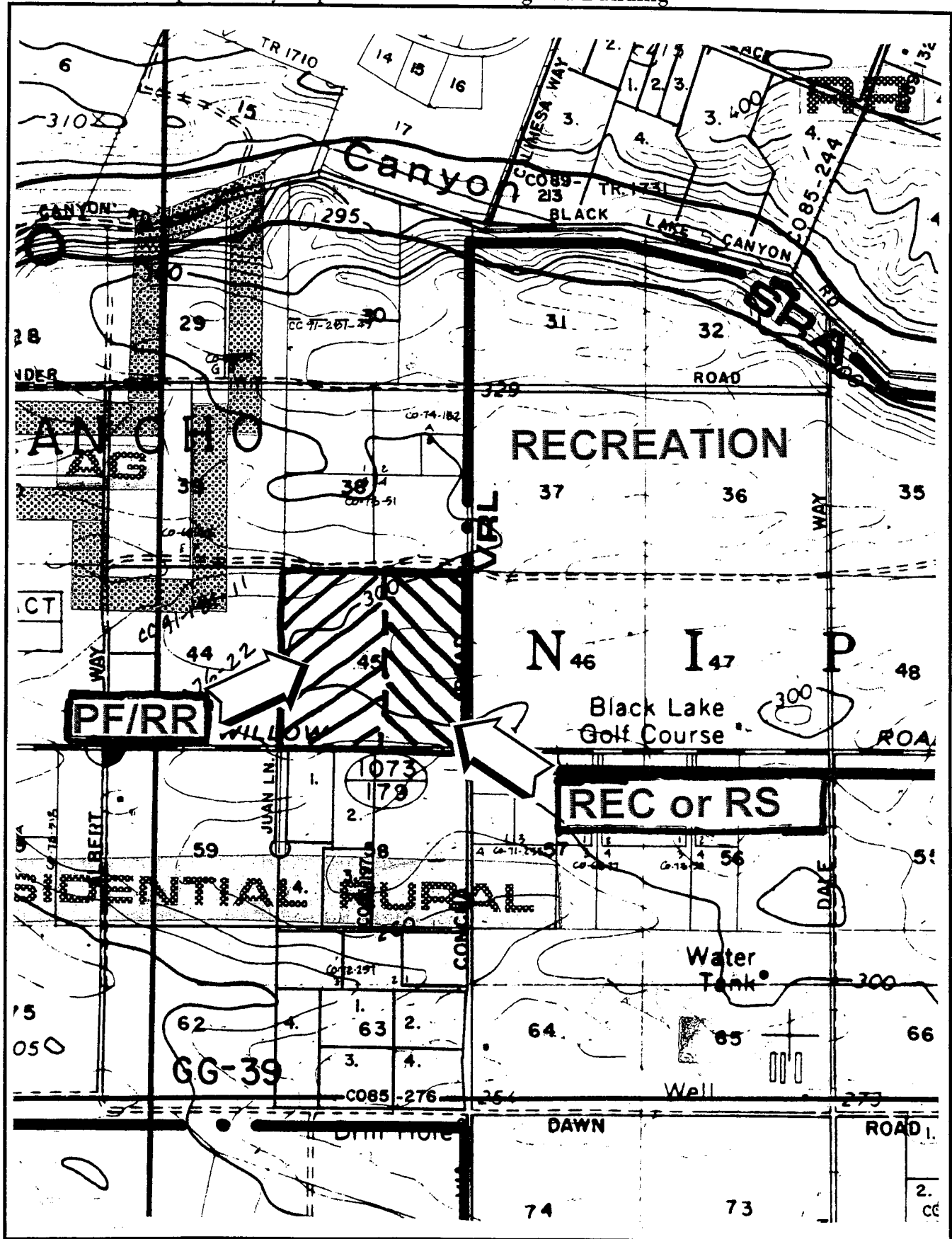
RECREATION (or RESIDENTIAL SUBURBAN)

Via Concha Road Area. The following standards apply only to land shown in Figure 7-xx west of Via Concha.

1. **Limitation on Use.** The following uses are allowed (as "A" or "S" uses per Land Use Element Table O): single family dwellings, Schools (pre to secondary), Outdoor Sports & Recreation (play lots, playgrounds, athletic fields, non-vehicle trails only).
2. **Density Limitation.** The number of residences allowed for the subject property shall be no more than 16 units, and have an average parcel size density of no less than one acre.
3. **Cluster Land Division Incentive.** Cluster divisions of land may use an open space parcel area that is smaller than otherwise required by Land Use Ordinance Chapter 22.04 where an important biological habitat, or public use for passive recreational purposes is identified through the application's review process. The size of the open space shall be no less than 45%. The analysis shall identify the area that can best accommodate the sensitive biological resources or passive recreational needs and still provide for the allowed residential density.
4. **Future School Access.** As a part of any future land subdivision, an access easement onto Via Concha shall be provided for the future school site to the west should the Willow Road access result in significant traffic safety/circulation impacts.
5. **Rural Character.** To maintain a rural character, as seen from Willow Road:
 - a. sufficient landscaping and/or retention of existing trees will be used to accomplish an 80% screening of new development;
 - b. All night lighting shall be directed down and into the development with no direct light visible from surrounding public roads.
6. **Safety - Golf Hazards.** As a part of any land subdivision or residential building permit submittal, the application shall show how the project is maximizing protection from potential golf hazards of the adjacent golf course.

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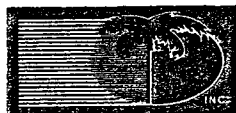
CRAIG GENERAL PLAN AMENDMENT;
G990025M



LAND USE CATEGORY

5-70

5-40



OASIS
LANDSCAPE
ARCHITECTURE
AND PLANNING

01 October 2001

Ms. Kami Griffin
San Luis Obispo County Department of Planning & Building
County Government Center
San Luis Obispo, CA 93408

RE: CRAIG GENERAL PLAN AMENDMENT - G990025M

Dear Kami,

Thank you for your time and thoughtful consideration of the Board of Supervisor's (Board) direction regarding the Craig Family Trust/Lucia Mar Unified School District (LMUSD) General Plan amendment. To confirm the details of our conversation, the following represents the revised project description.

G2990025M - Craig/Lucia Mar Unified School District A request to amend the general plan by: 1) changing approximately 16.0 acres of a 40 acre site from Residential Rural to Recreation; 2) limiting the number of single family residential units to 16 total (i.e., no secondary units allowed); 3) clustering the development pursuant to §22.04.033 and, 4) adding a planning area standard to the South County Area Plan allowing for approximately 45% open space.

Note: Amendment does not include moving the Village Reserve Line.

The Board also directed staff to change the remaining portion of the property to Public Facilities with a condition to limit the use to a school site and/or open space. Toward that end, please find attached an executed copy of the *Agreement to Donate Property*. Should there be a need to condition the project based upon this agreement, please advise.

We assume that the environmental review (rev. Initial Study) is being revised pursuant to the Board's direction, and that refining the project description is not delaying this effort. We would appreciate your time to advise us of the status of the project, and if the above-mentioned is now an accurate reflection of the project. On behalf of the applicants, we truly appreciate your time and consideration.

Respectfully,
OASIS ASSOCIATES, INC.

C.M. Florence, Agent
K. Craig/Lucia Mar Unified School District

c: K.Craig
Superintendent N.DePue/LMUSD
Supervisor K. Achadjian
E. Carroll/Env. Coord.
J.D. McKenzie

Attachment - Agreement to Donate Property
00-0114mstr.corr/cmf
C:\Lucia MarCraig\confirmationkami.doc

805-541-4509
FAX 805-546-0525
3427 MIGUELITO CT
SAN LUIS OBISPO
CALIFORNIA 93401

5-71

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AGREEMENT TO DONATE PROPERTY

This Agreement is entered into by and between the LUCIA MAR UNIFIED SCHOOL DISTRICT (hereinafter "District") and KENNETH & ROSEMARIE CRAIG (hereinafter "Donor").

WHEREAS, the District is a political subdivision of the State of California providing educational services and is authorized by the California Education Code to accept donations of real property;

WHEREAS, donations of personal or real property to the District may be tax deductible pursuant to federal and state law;

WHEREAS, the District is in need of additional real property for the purpose of providing school facilities for its pupils;

WHEREAS, the Donor is in the process of subdividing real property within the County of San Luis Obispo as further set forth in the legal description attached hereto as Exhibit A;

NOW, THEREFORE,

A. The Donor agrees to irrevocably donate in fee simple with no reservations whatsoever, and the District agrees to accept, approximately thirty (30) acres within forty (40) acres as set forth more fully in the legal description attached as Exhibit A, for the purpose of school usages.

B. The Donor agrees to irrevocably donate the approximate thirty (30) acres, upon approval of the subdivision set forth in EXHIBIT "B" and attached hereto, by the County of San Luis Obispo Board of Supervisors.

C. The precise size and location of the property to be donated pursuant to this Agreement shall be mutually agreed upon by the District and Donor prior to the District Governing Board accepting the donation. In the event the District and Donor cannot agree on the exact configuration of the property to be donated, this Agreement is null and void.

D. The District shall be responsible for recording this real property transaction within the records of County of San Luis Obispo. Otherwise, each party is to bear its own costs with respect to this transaction.

E. Assuming the contingency set forth in paragraph B above is met, the parties agree to take all steps necessary to formalize the donation within sixty (60) days.

F. Although as a public entity donations of real or personal property to the District can have tax repercussions, the District has in no way provided tax advice to the Donor, and federal and state ramifications of the donation are entirely the responsibility of the Donor.

G. The donated property becomes entirely the responsibility of the District, including all liability, upon final recording of the deed transferring the donation.

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*Agreement to Donate Property**Kenneth & Rosemarie Craig "Donors" to LMUSD "District"*

H. The parties agree to cooperate in all phases of school facility construction, if any, involving the donated property, including access easements, as necessary.

I. This Agreement is made pursuant to the laws of the State of California. Venue lies within the County of San Luis Obispo for any dispute regarding this Agreement. The prevailing party shall be entitled to attorney fees and costs in any action to enforce the provisions of this Agreement.

J. Any amendment to this Agreement must be in writing, and fully executed by both parties.

K. This Agreement, and the donation itself, are expressly subject to formal approval by the Governing Board of the District.

LUCIA MAR UNIFIED SCHOOL DISTRICT

By

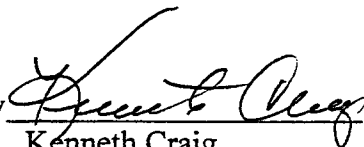


GeeGee Soto, President
Board of Education, "District"

Date

3-7-00

By

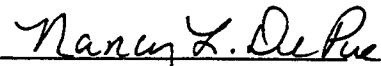


Kenneth Craig
"Donor"

Date

3-7-00

By

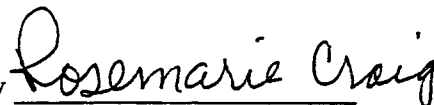


Nancy DePoe
Superintendent, "District"

Date

3-7-00

By



Rosemarie Craig
"Donor"

Date

3-7-00

5-73

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*Agreement to Donate Property
Kenneth & Rosemarie Craig "Donors" to LMUSD "District"*

EXHIBIT A

The donation is to consist of approximately thirty (30) acres out of forty (40) acres more fully described below:

Lot 45 of Division A of Pomeroy's resubdivision of part of the Los Berros Tract, as recorded September 26, 1903, in Book A, Page 109, Maps in San Luis Obispo County.

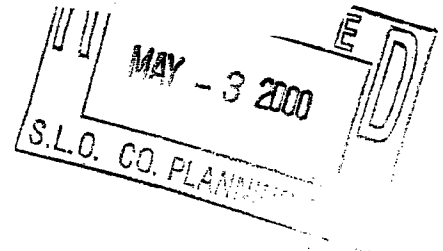
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NIPOMO COMMUNITY SERVICES DISTRICT

148 SOUTH WILSON STREET
P.O. BOX 326 NIPOMO, CA 93444-0326
(805) 929-1133 FAX (805) 929-1932

EXHIBIT D



May 2, 2000

Kami Griffin
San Luis Obispo County
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

SUBJECT: 40 acre parcel next to Black Lake Village Area, File # G990025M

This is in response to your correspondence of April 19, 2000 inquiring about the District's ability to provide water and sewer services to a proposed 40 acre development lining westerly of the Black Lake Golf Course development. This area is presently outside the District boundary and approval from LAFCO and NCSD Board of Directors would have to be received before service is provided.

The applicant would have to have an engineer review the water and sewer with respect to the capabilities of providing services and what infrastructure would need to be developed for such services. The area would have to meet the District's annexation policy, Resolution 96-576. (copy enclosed)

Due to the adjudication of the Santa Maria Groundwater Basin, it is unknown at this time what water supply may be available for this and other projects on the Mesa.

If you have any further questions, please call.

Very truly yours,

NIPOMO COMMUNITY SERVICES DISTRICT



Doug Jones
General Manager

cc: Board of Directors

Annexations/Ken Craig

Exhibit B:

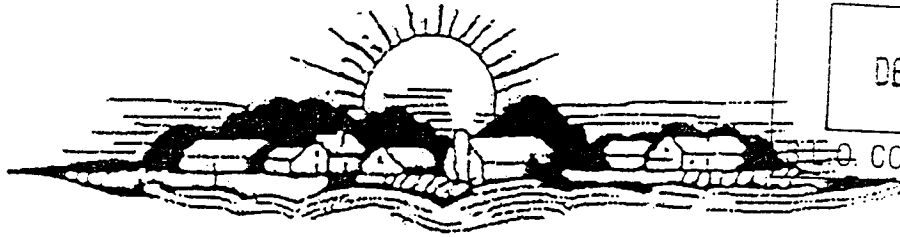
Correspondence

1. Nipomo Community Advisory Council
2. Black Lake Management Association
3. San Luis Obispo County Engineering Department
4. George Gibson
5. San Luis Obispo Council Of Governments
6. County of San Luis Obispo Department of Agriculture
7. Air Pollution Control District
8. County of Santa Barbara- Planning and Development
9. Nipomo Community Services District
10. Santa Barbara County Flood Control & Water
Conservation District and Water Agency
11. Lucia Mar Unified School District
12. Parks Division
13. City of Arroyo Grande Community Development
14. Department of Fish and Game
15. Sample Petition

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NIPOMO COMMUNITY ADVISORY COUNCIL



Serving the Nipomo community including those rural areas of Los Berros, Callendar-Garrett, Rural Arroyo Grande and Palo Mesa
POST OFFICE BOX 1165 • NIPOMO, CALIFORNIA 93444-1165 • 805-931-0942

December 18, 2000

John McKenzie
Environmental Division
Dept. of Planning and Building
County Governmental Center #310
San Luis Obispo, CA 93408-2040

RE: South County General Plan and Growth Management Ordinance
Amendments/Referral Dated: 12/6/00 Response Date: 12/20/00

Mr. McKenzie:

Thank-you for the opportunity for the Nipomo Community Advisory Council to respond and comment on the nine items that effect our South County Planning Area. Due to your time constraints of less than two weeks to respond, the comments listed are from the executive NCAC board and some of our board members. We were unable to give the public the opportunity to respond with such a short time frame.

For simplicity, we will comment in the order as set out in your letter. As a general comment there appears to be some errors and differences in what you have sent out and what we at the NCAC has been presented at our general meetings. The holiday season will necessitate a simplified and potentially shorter response than we would normally like to make on matters of this importance. We do try to maintain the Vision in the South County Area Plan of "the desire to protect the essentially rural character of the area

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and protect the continuation of economic agriculture.” While this is our overriding goal, we do try to maintain a balance between this goal and the reality of development in our area.

1. Cypress Ridge requested that 122 acres of land be rezoned to recreational. Our recollection of this project is that seven homes would in essence be deleted from the current plan and allowed to change or be rezoned to 103 bungalow units. The original proposal that was presented to us was for only about 10 acres to require this change. It is somewhat unclear why there is a need to change the golf course that has an open space easement and the other 100 residential lots into recreational zoning. We assume that you and staff will determine if that is wise, or if that will make a change at all. You have referred to “dining amenities ... and a full scale restaurant.” This was never really presented as something that was not previously approved. It is unclear if there is a change to 6,000 sq. ft. lots on two parcels 57-102 or if that includes all of the parcels between those numbers. The map seems to cover lots 1-102. EIR Concerns: Increase in traffic on Halcyon caused by the 103 additional units. Water was presented to us as no increase, but that would need to be examined. Additionally, there are some statements that have been made that would lead us to conclude that there may be additional water use beyond that as set out in the Cypress Ridge EIR. We will provide you with this information. It is unclear if that is a problem in the current proposal or if that has been something that was approved in the past and there is nothing to be done about it at this point. You may want to consider any air quality problems that are presented by the increased traffic. Also, there are sign ordinance violations with the current signage that has been put in place by Cypress Ridge over 30 days ago. That may be beyond the scope of your review regarding view sheds or maybe not. We would also like to make sure that the change in zoning to this project does not allow any vacation type rentals that would change the residential home owner status of the homes and create a “Cambria” type of vacation rental problem.

2. Annexation to the Summit Station area. This is simply going to violate the contract provisions that allowed the annexation of the Summit Station area to the NCSD. There is little water there for additional annexations and lots to be developed. Contracts and prior agreements appear to be violated by this proposal. The other areas of concern are schools, traffic, air quality, and the two lawsuits that are currently active. The residents of Summit Station have sued the NCSD for inadequate

pressure of less than 20 lbs. for water. The new pressure requirements will assumedly be 30 lbs. in the near future. There is currently no way for the NCSD to solve the water pressure problem. The other lawsuit is the City of Santa Maria vs. the NCSD. This proposal will generate a third lawsuit with a very low probability of success for the County as applicant.

3. The Robertson Annexation proposal has the same problems as listed above in any annexation proposal to the Summit Station area. Also, this is inconsistent with the rural character of the surrounding area. There will be water, traffic, sewer, and school problems that will have to be mitigated under CEQA. Any proposed annexation to the NCSD would appear to violate the Summit Station annexation agreement with the NCSD. This project was never presented to the NCAC and it does not have our support.

4. Green Canyon involves the change of 20 acres of agricultural land to the rural land category. This was presented to the NCAC as a change to rural land and one lot, not rural residential. We would assume that there is no viable agricultural use for this property for you to allow the zoning change. That was what we were told, but we are not experts on this particular parcel. If there is no agricultural use for this property then we do not object to a land use change. Your agricultural experts need to examine this property. We, the NCAC, were not told that this land was in an agricultural preserve or assumedly under the Williamson Act. We were not aware that this amendment would change the Ag and open space element of the General Plan. Also, we were not aware of the in-fill provisions of the General Plan, but that was our mistake, not the landowners. Not telling us about the agricultural preserve was not something that we were made aware of and frankly this could have made a difference in our thinking. This EIR should include an analysis of water, schools, traffic, and air quality.

5. Nipomo Oaks Partnership: This project was presented to NCAC in a broad in scope. NCAC has not received specifics on this project as are stated here. Quite simply, there is no way that a rural atmosphere envisioned in the general plan can be maintained in the face of 300 units of residential care, 60 homes, 1.5 million sq. ft. (34 acres) of proposed buildings. The change of the URL of Nipomo, change of the AG and open space element, and getting out of the AG preserve was never presented to the NCAC in a development plan. At this point, an EIR should examine water, schools, air quality, traffic, and the same contract problems that are present at Summit.

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Station regarding an annexation. A development plan of this massive scope needs to be sent back to the NCAC for review and public comment.

6. Patterson Academy: Rezone 23 acres to Rural Land and allow 100 dorm units to be constructed as well as a school. The largest problem with this project is the loss of agricultural lands. There will be an increase in traffic. There could be an increase in water use. An EIR needs to be completed.

6. Brand Project: This presents several problems including the potential loss under the general plan of the Southland Road interchange onto Hwy 101. This obviously traffic problem may never be able to be mitigated given the increased traffic that is projected by the County on the outer road and the potential giving up of the hook interchange in the GP that is required. There must be some huge community benefit that has yet to be determined to contemplate what is being potentially given up on page 4-8 of the SCGP. Fire, schools, view shed, and water are also potential problems. There must at the minimum be a park if not the entire Recreational Center built on this site to remotely give back to the Community what is being given up in the traffic interchange deletion from the GP.

7. Craig Property: This is a difficult issue because while we obviously need a school site, there are problems in our community with moving any VRL to create density. It appears that there is general agreement that sixteen one-acre lots and the remainder in open space and a school site is preferable to the moving of the VRL of BLC. If the 16 one-acre lots only allow one unit, the problem would be resolved. The increased water usage by the school and/or park, traffic, and air quality seem to be the main problems in an EIR.

8. Woodlands Project: With this project being of such a large scale and the impact on our school we would suggest that the wording be changed from "a 500 student ^{school} may be included" but should read, "A 500 student school will be included." Once again we are concerned about the impact on water and the impact on traffic.

9. Growth Management Ordinance Amendments

1. Allowing 3,000 unused allocations from prior years in excess of the current maximum allowable annual carryover of 10%: The South County has allowed the addition of 180 units beyond its growth cap of 2.3% and we have had the fastest growth of any area

of the county in the past 10 years. Since the South County has received the bulk of growth in the county in the past 10 years, it would seem unfair to allocate more than that amount to our schools and uncertain water supply. Is the Woodlands Project part of this total or the County wide total?

2. If you redefine an allocation for the category for multi-family dwellings and units phased in or specific plans, will that apply to the Woodlands and then be added to our totals for future increases? How can you contemplate this prior to the DWR water report and the settlement of the City of Santa Maria lawsuit? There is no way to determine water allocations. Our schools are overcrowded and are at a severity III. There are approximately 1,100 exempt from GM, 1,320 units that are proposed to be exempt (Woodlands), 1,200 under Growth Management in 10 years, 1,200 exempt second dwellings units and 180 exempt or roughly 5,000 units coming to the South County in the next ten years. Are you seriously proposing that we assume more of a burden on our schools and water supply than that roughly 7% increase each year without a CEQA review?
3. Why do you assume that certain projects are and need to be exempted? Why do you not explain why second dwelling are exempted from the growth management ordinance rather than trying to create a totally new category of exemptions. Your proposed #3 clearly requires a CEQA review.
4. We in the South County have had more that 2.3% of growth and have suffered the consequences of that growth in regards to over crowded schools increased traffic and an uncertain or potentially dwindling water supply. This proposal does not seem to remotely apply to the South County.
5. The 180 units that were exempted from growth management still need a CEQA review to be built. It is highly unclear that anyone but the lead agency under CEQA, which in this case would be the County, could not accept their requirements under state law for the potentially exempt units as claimed by you under growth management. It is legally impossible for the NCAC to accept the responsibility as the lead agency under CEQA for the proposed exemptions by the County to their own growth management ordinance.

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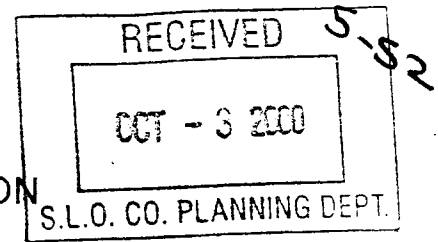
Thank you for the opportunity to comment upon these matters. We hope that you have a Merry Christmas and a prosperous New Year.

Sincerely,

Donna Mills for the NCAC

Cc: Supervisor K.H. Achadjian, District 4
Diane Hull, County Planning Commissioner

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BLACK LAKE MANAGEMENT ASSOCIATION
DBA
BLACK LAKE VILLAGE COUNCIL

Tel: (805) 343-6547
Fax: (805) 343-1063
e-mail: sely@thegrid.net

2 October, 2000

Kami Griffin
County of San Luis Obispo
County Government Center
Planning & Building Department
San Luis Obispo, CA 93408

Dear Kami:

Please add the Black Lake Village Council to the list of those to be notified of all developments as they occur with regard to Craig General Plan Amendment Application #G990025M.

The first concern of the Black Lake Village Council is also shared by Supervisor Achadjian, namely, that any approval of this project should not involve moving the Black Lake Village Line, or disturb the Black Lake Specific Plan. We think that the Supervisor realized that using this device for allowing the higher density on the Craig project not only sets a dangerous precedent, but is grossly unfair to Black Lake Village residents, who were not consulted in the matter.

We wish to go on written record to confirm our belief that a full Environmental Impact Review is required for this immensely invasive proposal for the following reasons:

1. Major increase in traffic on the already heavily traveled Willow road and other streets in the area.
2. Major increase in water depletion of the local aquifer which is already in deficit with current usage.

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Kami Griffin

Page 2

3. Any further destruction of the trees and topography on the project will produce a major increase in the negative impact on the environment which may already be in violation of the CEQA because Monarch Butterfly roosting trees have been destroyed and the drainage pattern was changed (we are told all without permits).

4. Placement of a school and/or soccer fields on the property is totally inappropriate inasmuch as the 1,000 voting residents of our community have only 16 children. The logical and very well crafted general plan already indicates the proper locations for such public facilities.

This is not meant to be an all-inclusive list of considerations, but it does indicate the cumulative impact on the environment and reasons for you to require a full EIR.

We also submit that the enforcement agency of your department should require the developer to return the land to its former condition during the waiting period for final determination in order to reduce the dust blowing into our homes from grading and tree destruction. Additionally, you should address our concerns about drainage and mud movement when the rains come.

Thank you for your attention to these problems.

Very truly yours,



Bruce D. Fraser for Mr. Silas Ely, President

CC: Mr. Khatchik H. Achadjian

CC: Mr. Gordon Henslyey, EDC

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SAN LUIS OBISPO COUNTY ENGINEERING DEPARTMENT

COUNTY GOVERNMENT CENTER • ROOM 207 • SAN LUIS OBISPO, CALIFORNIA 93408

TIMOTHY P. NANSON
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GLEN L. PRIDDY
DEPUTY COUNTY ENGINEER
ENGINEERING SERVICES
NOEL KING
DEPUTY COUNTY ENGINEER
ADMINISTRATION

PHONE (805) 781-5252 • FAX (805) 781-1229



ROADS
SOLID WASTE
FRANCHISE ADMINISTRATION
WATER RESOURCES
COUNTY SURVEYOR
SPECIAL DISTRICTS

December 13, 2000

MEMORANDUM

TO: Richard Marshall, Development Services Department

FROM: Angelina Tharp, Transportation 

SUBJECT: South County General Plan and Growth Management Ordinance Amendments Comments

I have reviewed the South County General Plan and Growth Management Ordinance Amendments and have the following comments.

1. Individually most of these projects do not pose a significant impact. However, the cumulative impact is significant. The Engineering Department has just completed a new computer model of the traffic impacts in the South County Area. The Planning Department needs to complete a study to determine the cumulative impacts plus project(s) and mitigation.
2. **County of SLO (Summit Station Area) -**
 - Currently, Dale Avenue is the primary access for the Summit Station Area. Dale Avenue has a non standard intersection with Los Berros. With the possibility of additional dwelling units the Dale Avenue/Los Berros intersection needs to be reconstructed to improve sight distance, provide channelization on Los Berros, and complete any other improvements necessary to bring the intersection up to current standards.
 - To improve access to the Summit Station Area, Pomeroy Road needs to be improved to a full collector standard along the frontage of the Summit Station Area. This will involve the dedication of 30 feet to right-of-way for the entire frontage of the Summit Station Area.
 - The Aden/Hetrick connection needs to be constructed to improve access to the Summit Station Area.
 - To allow for future improvements at Pomeroy Road/Lyn Road the Summit Station Area needs to dedicate right-of-way at this intersection per the attached plan.

3. **Robertson, et al** - To accommodate a full collector standard along the frontage of the property a 30 foot right-of-way dedication is necessary.
4. **Nipomo Oaks Partnership/Mehlshau** - Willow Road, when complete, will be the primary east/west arterial for the Nipomo Mesa. In accordance with these plans for Willow Road, the development on this lot will be required to condense access points and comply with the following conditions.
 - No access points closer than 1200' to each other, to Hetrick Road, and to the proposed Frontage Road intersections.
 - Build left turn pockets on Willow Road.
 - The intersection with Willow Road will be constructed to the Highway Design Manual (HDM) Figure 405.3 Standard.
 - The project will install lighting at all intersection. Lights will be maintained by PG&E.
5. **Brand** - Southland is currently a very narrow road. The proposed development will need to complete the following requirements.
 - Construct Southland to a 46 foot width along the entire frontage of the property.
 - Align all roads intersecting Southland with existing intersection.
 - Investigate the development of Nelson Way as an connector to Orchard Avenue. Orchard is designed to handle large traffic volumes and is the preferred street to channelize vehicles towards.
 - Exhibit 1 indicates a horse trail will cross Southland at what looks like a mid-block location. The Engineering Department would prefer this location be moved to an intersection to improve the safety for horse crossing.

Please call me at 781-1406 with any comments or questions.

File: Transportation Studies/South County (Nipomo)

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George Gibson
12/11/2000 02:49 PM

To: John McKenzie/CountyofSLO@Wings, Richard Marshall/CountyofSLO@Wings
cc:

Subject: South County Amendments

The following concerns drainage on the projects mentioned in your 12-06-00 memo:

Cypress Ridge should be required to maintain **all** runoff on site. No allowance should be given for a "2 year" pre-development runoff. Full retention.

Summit Station should be required to maintain **all** runoff on site. No allowance should be given for a "2 year" pre-development runoff. Full retention.

Nipomo Oaks should be required to maintain **all** runoff on site. No allowance should be given for a "2 year" pre-development runoff. Full retention.

Craig/Lucia Mar should be required to maintain **all** runoff on site. No allowance should be given for a "2 year" pre-development runoff. Full retention.

Woodlands should be required to maintain **all** runoff on site. No allowance should be given for a "2 year" pre-development runoff. Full retention.

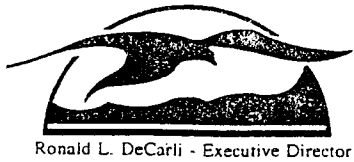
Green Canyon should be required to maintain **all** runoff on site. No allowance should be given for a "2 year" pre-development runoff. Full retention. This applies to the area on the "bluff" only.

Patterson Academy should be required to detain any increased flows. All facilities shall be approved in accordance with NPDES II best management practices.

All drainage facilities should be encumbered in a manner to assure long term maintenance and life time operational performance.

With reference to water - all of these projects should be required to provide enough information to justify a water resource equal to and 20% greater than their worst possible level of use. This information should all be correlated with any potential impact to **any** ground water user within the immediate area. Distance and impact variables will vary depending on the project size and anticipated levels of demand.

San Luis Obispo Council of Governments



Regional Transportation Planning Agency
Metropolitan Planning Organization
Census Data Affiliate
Service Authority for Freeways and Expressways

Arroyo Grande
Atascadero
Grover Beach
Morro Bay
Paso Robles
Pismo Beach
San Luis Obispo
San Luis Obispo County

January 30, 2001

Mr. John McKenzie
Environmental Specialist
San Luis Obispo County Department of Planning and Building
Environmental Division
Interoffice
990 Palm
San Luis Obispo, CA 93401

FEB - 5 2001

Re: Amendments to General Plan and Growth Management Ordinance

Mr. McKenzie,

Thank you for the opportunity to add our comments to this initial input period on these amendments to the South County General Plan and Growth Management Ordinance. I apologize for the delay in addressing this assignment. Please include our comments in your consideration during the planning process.

Comments on Cumulative Effects of amendments

We realize that it has been decided that Nipomo (both rural and urban reserve areas) shall be the targeted area for current SLO County growth, and wisely the County has created a capital improvement plan and funding mechanism that will systematically upgrade the roadway network on the Nipomo Mesa. These amendments standing alone are generally not going to significantly damage the transportation network, but taken together they add further strain to the capacity of the major arterials and specifically, US 101. The costs associated with the capacity widening of 101 through the South County are extremely high, and a mechanism to begin setting aside monies from these new developments is needed. The widening of 101 from 4 to 6 through travel lanes becomes more necessary as each of these developments comes online. In accordance with sustainable growth principles, development must pay its fair share on the major spine (US 101) of the transportation system.

Amendment

Cypress Ridge

1. This change of land uses from Residential Suburban to a more traffic intensive mix of restaurant and hotel use will increase Average Daily Trips (ADT) on El Campo, Fowler, Halcyon and Highway 1. This could be addressed to some extent by increasing priority of the improvements scheduled for both Halcyon

& Highway 1 between the two Halcyon connections with Highway 1; or improvement of El Campo w/realignment & widening of El Campo between Los Berros & 101 to better serve the interchange being considered at US 101. A PSR (Project Study Report) is required before a state highway project becomes eligible for funding through SLOCOG. Of these projects, only the realignment/widening of El Campo Road is lacking a PSR at this time. These costly measures could help mitigate the additional trips to be generated by the Amendment allowing for the hotel operations.

County of SLO (Summit Station Area)

1. The increased traffic will have close access to US 101, thus allowing what will inevitably be high-end suburban residential uses easy access to the main transportation network for their commute purposes. Improvements may be needed on Los Berros Road between Pomeroy and US 101 in a shorter time frame than what would otherwise have been required. The construction of a sizable Park N Ride Transit Stop at the Los Berros/Thompson Rd./US 101 Interchange will likely be needed after this project develops.

Robertson, et al

1. This addition of 8 rural/suburban residences should not have a significant impact by itself on traffic on either Pomeroy or Los Berros Roads.

Green Canyon LLC/Christopher and Lynn Helenius

1. This addition of up to 16 large lot residential units into previously zoned agricultural lands may will likely stress the local road system in rural west Nipomo, not by volume of additional traffic, but because of the lane miles that these trips will likely traverse over Woodhaven, Eucalyptus, and West Tefft residential areas to access commercial centers in Urban Nipomo and US 101. While the South County model seems to show most traffic accessing Urban Nipomo via Osage, this seems questionable considering the good condition of West Tefft, which is a more direct route.

Nipomo Oaks Partnership/Mehlshau

1. This addition of up to 300 senior housing units & possibly 60 regular large lot residential units in combination with 1.5 Million s.f. of commercial development will have a significant impact upon circulation in the Nipomo area. The implementation time frame is unclear but if under 10 years this project must allow for and interface with the Willow Road interchange project. With the high degree of transit dependency inherent with senior citizens, combined with the close proximity to US 101, this project is ripe for transit orientation by directing the senior housing toward the interchange and inclusion of land and facilities for a transit stop on or near the SB Willow Rd off-ramp? Current plans show senior multi-family in a very difficult spot to be served by transit, thus limiting their regional mobility. In the near term, this project will increase traffic on Willow, Hetrick, Pomeroy, and Tefft. The highly congested Tefft Street interchange at US 101 would also experience

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more ADT due to this project. The development should provide improvements to Willow Road as much as possible to save costs on the upcoming Willow Road Extension project.

Patterson Academy

1. This project will certainly add traffic but to an area that has been targeted for road investment and thus should have no significant negative effects.

Brand

1. This project may add some short term congestion on Orchard, between Tefft and Division, which is not scheduled for widening to two travel lanes and a center turn lane until 2020 according to South County Circulation Study CIP tables. Other than that, and the close proximity of Rural Suburban Residential development across Southland Street, this site seems conducive to this amendment.

Craig/Lucia Mar School District

1. This project may add additional traffic to Highway 1 and Willow Road, but these roadways have been improved and should have the capacity to accept the additional trips. The school land dedication is a benefit to this developing rural suburban area.

Growth Management Ordinance Amendments

1. Would like to see some wording to direct these "extra" allocations into either multi-family (or at least into urban reserve areas) only, thus directing the extra growth into areas that can physically and aesthetically accommodate growth.
2. 20% for multi-family is not enough, consider allocating up to 30%. This county has an acute shortage of multi-family zoning already.
3. agree.
4. agree.
5. agree.

Please feel free to contact me @ 788-2002 anytime to discuss these issues.

Sincerely



Joe Rye
Associate Transportation Planner (South County)
SLOCOG



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COUNTY OF SAN LUIS OBISPO

Department of Agriculture/Measurement Standards

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556
RICHARD D. GREEK (805) 781-5910
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035
AgCommSLO@co.slo.ca.us

5-90
5-60
S.L.O. CO. FARMERS

January 23, 2001

TO: John McKenzie, Environmental Specialists

FROM: Robert Hopkins, Deputy Agricultural Commissioner

Robert Hopkins

SUBJECT: *South County General Plan Amendments*

Introduction

This report responds to your request for comments on various south county general plan amendments. This report is based on reviews of aerial photography, referral packet information and previous comments on these general plan amendments. The comments and recommendations in our report are based on current departmental policy and agricultural policies contained within the Agriculture and Open Space Element to conserve agriculture resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

A. Agricultural Production and Prime Soil Conversion

Except for a small area on the Patterson Academy property no prime agricultural soils will be converted with these projects. There would not be a significant conversion of prime agricultural farmland. However, under irrigated conditions the soils on several of the projects can be productive for agricultural purposes. See the section on cumulative impacts for the discussion on impacts.

B. Agricultural Land Use Compatibility

Three of the proposals, Green Canyon/Helenius, Brand and Mehlshau, could directly impact adjacent agricultural uses through the creation of incompatibility land use patterns. For each of these projects mitigation measures, such as buffers and screening, are available to reduce significant incompatibility impacts to less than significant.

John McKenzie, Environmental Specialists

January 23, 2001

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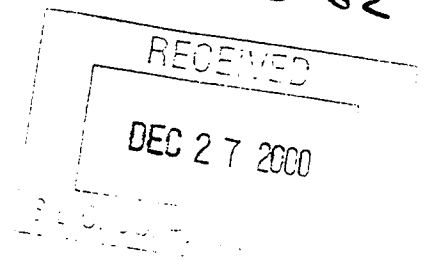
2. Groundwater Impacts

Most of the proposed amendments will result in increased residential development. Generally we are concerned with the long term impact of increased residential development on the availability of ground water resources necessary for agricultural production. Agricultural uses, in both the Agriculture and Residential Rural land use categories, are dependent on sufficient quantity of ground water for irrigated agricultural production. Additionally, the high quality of the ground water (e.g., low salt) found on many portions of the Nipomo Mesa is an essential resource for the expanding nursery industry on the mesa. The increase demand for ground water from increased residential development could impact the long term availability of ground water for agricultural operations. Agriculture and Open Space Element Policy AGP11 indicates that water resources should be maintained for production agriculture and discourages the approval of general plan amendments which would adversely affect water supplies and quality.

For further assistance please call.



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**AIR POLLUTION
CONTROL DISTRICT**
-COUNTY OF SAN LUIS OBISPO



DATE: December 18, 2000

TO: John McKenzie, San Luis Obispo County Department of Planning and Building

FROM: Barry Lajoie, ^{BA} Air Quality Specialist

SUBJECT: South County General Plan and Growth Management Ordinance Amendments

Thank you for providing District staff with the opportunity to review and comment on the above mentioned project. As requested in your referral letter, we have endeavored to answer the following three basic questions:

1. Will the proposed changes result in potentially significant air quality impacts from the property in question?
2. Are there potentially significant cumulative effects when two or more of these requests are considered together?
3. Are there any other potentially significant air quality impacts that should be analyzed?

In addition, we have provided where appropriate, discussions relating to mitigation of impacts. The following comments are organized by project as presented in the referral information provided by your office. Due to the preliminary nature and limited extent of the information at our disposal at this time, our analyses necessarily include a degree of uncertainty and should be considered screening level at this time. Since a number of our comments reference the District's CEQA Air Quality Handbook (CEQA Handbook), a copy has been included with this letter for your convenience.

Background

San Luis Obispo County is a nonattainment area for the state ozone and PM₁₀ (fine particulate matter 10 microns or less in diameter) air quality standards. State law requires that emissions of nonattainment pollutants and their precursors be reduced by at least 5% per year until the standards are attained. The 1991 Clean Air Plan (CAP) for San Luis Obispo County was developed and adopted by the Air Pollution Control District to meet that requirement.

One of the most important aspects of the CAP is the inclusion of a base and forecast emission inventory. Emission forecasts are projected into the future by growing the base emission inventory using various source specific growth factors. These growth factors take into account assumptions relating to population growth and various socioeconomic factors. At present, the CAP anticipates attainment of the State ozone standard in the near future due largely to implementation of the CAP and state and federal requirements. However, should the growth and socioeconomic assumptions underlying the District's attainment projection prove inaccurate, or be significantly exceeded, attainment may be delayed or altogether thwarted. Failure to attain the state health standards, or worse, to be recategorized to a more serious attainment designation (ie.

from moderate to serious) or to be designated nonattainment for the Federal standards, carry potentially significant regulatory and financial implications for the County's residents and business community.

Specific Impacts

1. G990031M – Cypress Ridge Limited Partners:

- a) *Will the proposed changes result in potentially significant air quality impacts from the property in question?*

Project specific impacts may exceed our Tier II significance thresholds. We therefore recommend inclusion of all applicable standard and discretionary mitigation measures from Sections 5.6 and 5.7 of the Districts CEQA Air Quality Handbook. In addition, we recommend inclusion of all applicable dust mitigation measures from Section 6.4 of the Handbook to reduce the potential to create dust nuisance problems during construction.

- b) *Are there potentially significant cumulative effects when two or more of these requests are considered together?*

While not likely resulting in Class I air quality impacts on its own, this project will contribute to significant Class I cumulative air quality impacts when viewed in conjunction with the other projects being considered under the South County General Plan Amendments/Growth Ordinance Revisions.

- c) *Are there any other potentially significant air quality impacts that should be analyzed?*

At this point, we don't see any additional air quality issues associated with this component of the project.

2. G980008N – County of SLO (Summit Station Area):

- a) *Will the proposed changes result in potentially significant air quality impacts from the property in question?*

The proposal would remove a planning area standard limiting subdivision on an 870 acre site currently within the Residential Rural land use category. Removal of the planning area standard would allow approximately 37 additional parcels to be created. We do not anticipate the creation of 37 additional parcels with primary residences to result in significant project specific air quality impacts above our Tier II threshold. We do however, recommend inclusion of all applicable dust mitigation measures from Section 6.4 of the Handbook to reduce the potential to create dust nuisance problems during construction.

- b) *Are there potentially significant cumulative effects when two or more of these requests are considered together?*

This project, like all of the others being considered under the proposed South County General Plan Amendment and Growth Management Ordinance Amendments, will contribute to significant cumulative air quality impacts. In addition, lifting of the planning area standard which was put in place to limit the growth inducing potential of the NCSO extending services out to this rural area may encourage growth in adjoining undeveloped areas. Based on the map provided by your office, some of the adjoining lands are currently included within the AG land use category. Over the past 50 years in California, the conversion of AG lands to residential uses has often been accompanied by sprawling growth patterns and associated deterioration of the state's air.

- c) *Are there any other potentially significant air quality impacts that should be analyzed?*

Growth inducing impacts related to extending NCSO services into this area should be evaluated.

3. G990001T – Robertson. et al:

- a) *Will the proposed changes result in potentially significant air quality impacts from the property in question?*

The proposal would amend the General Plan by adding 6 lots to the existing Summit Station area being served by NCSO for water and, if G980008N (Summit Station) is approved, allow the future subdivision of these lots resulting 8 additional residences. The property is currently within the RR land use designation. We do not anticipate that this proposal will result in significant project specific air quality impacts above our Tier II threshold. We do however, recommend inclusion of all applicable dust mitigation measures from Section 6.4 of the Handbook to reduce the potential to create dust nuisance problems during construction.

- b) *Are there potentially significant cumulative effects when two or more of these requests are considered together?*

This project, like all of the others being considered under the proposed South County General Plan Amendment and Growth Management Ordinance Amendments, will contribute to significant cumulative air quality impacts.

- c) *Are there any other potentially significant air quality impacts that should be analyzed?*

While not individually significant, we recommend that the EIR evaluate the precedent setting nature, if any, of the proposed action from a land use perspective.

4. G990031M – Green Canvon LLC/Christopher and Lynn Helenius:

- a) *Will the proposed changes result in potentially significant air quality impacts from the property in question?*

The proposal includes amendments to the General Plan that will allow for the conversion of

approximately 21 acres of an 84 acre property from AG to RR to allow for the division of the property consistent with the RR land use category (8 potential residences). We do not anticipate that this proposal will result in significant project specific air quality impacts above our Tier II threshold. However, should the project be approved, we recommend inclusion of all applicable dust mitigation measures from Section 6.4 of the Handbook to reduce the potential to create dust nuisance problems during construction.

- b) *Are there potentially significant cumulative effects when two or more of these requests are considered together?*

This project, like all of the others being considered under the proposed South County General Plan Amendment and Growth Management Ordinance Amendments, will contribute to significant cumulative air quality impacts.

- c) *Are there any other potentially significant air quality impacts that should be analyzed?*

We recommend that the EIR evaluate the potentially precedent setting nature of the conversion of lands within the AG land use designation to residential uses with respect to growth inducing impacts.

5. G990013M – Nipomo Oaks Partnership/Mehlshau:

- a) *Will the proposed changes result in potentially significant air quality impacts from the property in question?*

Staff anticipate that project will result in Class I air quality impacts that greatly exceed the District's upper Tier II significance threshold. Should the project be approved, a comprehensive air quality mitigation package should be developed targeting site design and land use considerations capable of improving overall pedestrian circulation access to transit. Caution should be taken to avoid the rigid segregation and separation of adjoining, potentially complementary land uses. Barriers to efficient pedestrian circulation such as sound walls and high capacity collector/arterial streets should be avoided.

- b) *Are there potentially significant cumulative effects when two or more of these requests are considered together?*

As stated above, staff anticipate that project specific impacts will be significant. In addition, this project will contribute a disproportionate share of the overall cumulative impact associated the projects being considered. Area wide cumulative impacts are often best addressed by considering broader systematic approaches to land use and transportation/circulation.

- c) *Are there any other potentially significant air quality impacts that should be analyzed?*

As stated above, this project will likely result in Class I air quality impacts. In addition, the development scheme presented appears inconsistent with various land use goals and policies

contained in the Clean Air Plan. Specifically, the RS, CR, and CS components, totaling almost 95% of the 202 acre site, are proposed for development at densities well below those recommended in Appendix E of the Clean Air Plan (see Policy L-1: *Planning Compact Communities*). The lands proposed for reclassification under the RS land use designation will be developed at 2.5 acre densities. Studies show that residential densities of at least 7 dwelling units per acre are required to support transit operations such as dial-a-ride, regional fixed routes, and other demand-response services. Likewise, the CR and CS components are proposed for development at 30% single story coverage, well below the thresholds required to encourage most alternative transportation modes including walking and fixed route transit. In contrast, the land use policies presented in Appendix E of the CAP provide guidance for developing compact, mixed use communities; communities that offer greater freedom from the automobile, a mix of complementary land uses within easy walking distance, and correspondingly lower air quality impacts. The air quality section of any EIR prepared to assess this proposal should include a CAP consistency analysis.

6. G990020M – Patterson Academy:

- a) *Will the proposed changes result in potentially significant air quality impacts from the property in question?*

Project specific impacts may exceed the District's upper Tier II significance threshold without mitigation though the inclusion of an on-campus dormitory to house 75 students effectively reduces a significant number of trips otherwise associated with the project. Commute trips are typically the major source of emissions associated with school, public or private. Mitigation measures targeting the capture of commute trips are likely the most effective mitigation options available though the various standard and discretionary energy efficiency mitigation measures presented in Sections 5.6 and 5.7 should be included as well. As with all of the other projects being considered, the District's standard dust mitigation measures should be included as conditions of approval to reduce the potential to generate dust nuisance problems during construction.

- b) *Are there potentially significant cumulative effects when two or more of these requests are considered together?*

As stated previously, the cumulative impact of all 8 proposals under consideration is significant.

- c) *Are there any other potentially significant air quality impacts that should be analyzed?*

The potentially precedent setting and growth inducing conversion of a portion of the project site from AG to RL should be discussed and evaluated in the EIR.

7. G990027M – Brand:

- a) *Will the proposed changes result in potentially significant air quality impacts from the property in question?*

Based on the project description, District staff anticipate Class I project specific impacts. While the standard and discretionary mitigation measures presented in the District's CEQA Air Quality Handbook should be diligently incorporated into the project design, residual impacts will most likely remain significant.

Again, the standard dust control measures should be applied during construction to mitigate dust nuisance problems.

- b) *Are there potentially significant cumulative effects when two or more of these requests are considered together?*

As stated previously, the cumulative impact of all 8 proposals under consideration is significant.

- c) *Are there any other potentially significant air quality impacts that should be analyzed?*

As with some of the other projects under consideration, the Brand project proposes the urbanization and intensification of lands outside of existing URLs and/or VRLs. As stated previously, the EIR should assess potential precedent setting and growth inducing impacts of the land use conversion. Specifically, the EIR should identify the existing inventory and projected buildout of undeveloped residential and commercial lands within existing URL and VRLs in the Nipomo area and assess the need for conversion of these lands at this time with respect to the existing inventory.

8. G990025M – Craig/Lucia Mar USD:

- a) *Will the proposed changes result in potentially significant air quality impacts from the property in question?*

It is possible, on paper at least, that project specific air quality impacts will exceed the District's upper Tier II significance threshold. However, one of the components of the project is the creation of a new school site. In our view, schools tend to be growth accommodating, not growth inducing. While a significant number of trips may be diverted to new public schools from existing ones in areas faced with increasing demand (growing communities similar to Nipomo), new public schools typically generate few new trips on their own initially. A shortage of school sites can result in increased trip generation and distance as existing schools attempt to service increasing numbers of school children at greater distances from the school site. Our preference is to see neighborhood scale public schools scattered throughout a community to serve local demand such that trip generation and trip distances are reduced. We believe the proposed school site will likely result in reduced commute lengths, and if well coordinated with the local street and circulation system, may well result in reduced trip generation rates.

To reduce the likelihood of generating dust nuisance problems during construction, we recommend the inclusion of all applicable dust mitigation measures from Section 6.4 of the

CEQA Handbook to reduce the potential to create dust nuisance problems during construction.

- b) *Are there potentially significant cumulative effects when two or more of these requests are considered together?*

As stated previously, all 8 proposals being considered will likely contribute cumulatively to significant air quality impacts.

- c) *Are there any other potentially significant air quality impacts that should be analyzed?*

As with a number of the other proposals, we recommend that the EIR evaluate potentially precedent setting land use changes for growth inducing impacts.

9. Growth Management Ordinance Amendments:

- a) *Amendment 1:* It is important to recognize the compounding nature of the current growth management ordinance. Removal of the 10% annual carryover cap, and the potential reallocation of approximately 3,000 unused allocation from previous years will result in Class I cumulative air quality impacts. Of particular concern is how the use of a significant number of previously unused allotments in a given year would affect the number of available allotments calculated for a succeeding year. The EIR should address the potential air quality impacts associated with this proposed amendment.
- b) *Amendment 3:* District staff support this proposed amendment as it appears to result in more accurate accounting of the actual growth in the county.
- c) *Amendment 4:* This proposed amendment seems reasonable; however, we caution that careful consideration be given to how unused allotments from one of these "moratorium" affected communities are used. We recommend that unused allotments generated within an affected community remain available only within that community and not be made available county wide.
- d) *Amendment 5:* Individually, the 180 various "pipeline projects" probably do not result in project specific impacts. However, the cumulative impact of 180 additional residential projects is likely significant.
- e) *Woodlands:* At present, we are not certain

10. Cumulative Impacts:

The South County Air Quality Mitigation Program (Program) was established by the County Board of Supervisors in 1990 in an effort to provide a funding mechanism to help defray a portion of the air quality impacts from new residential development in the south county area. The Program's annual five year report (FY 1998-1999) states that "... this fee will provide about a 2.6% reduction in overall cumulative impacts of remaining new residential development in the South County." Though providing only limited mitigation, collected fees from the Program have

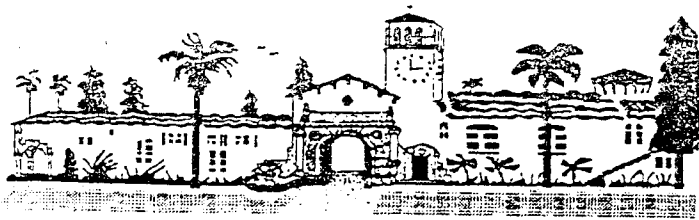
been used to fund a number of beneficial projects including the proposed purchase of a clean fuel bus, paving of several unpaved roads, and installation of a new transit stop. Since the cumulative impacts of the 8 proposals being considered are, in our view significant as explained above, we recommend inclusion of the following suggested mitigation measures as well as continued participation in the South County Air Quality Mitigation Program.

- Develop and fund a subsidized "flash pass" program for use by employees of new business locating in the CS/CR areas (if transit service available now or in the near future).
- Retrofit of NCSO diesel fueled water pumps with catalyzed particulate filters.
- Develop and fund a program to retrofit/replace older area school buses similar to the recently approved "Clean School Bus Retrofit Program" developed by the California Air Resources Board.
- Require the inclusion of transfer of development credits to increase residential densities for those proposals within URLs or VRLs or those proposing the extension of URLs and VRLs.

It is important to note that the list of suggested mitigation measures provided above is preliminary in nature; details pertaining to funding mechanisms and levels or participation would need to be worked out at a later date.

Since a number of the proposals under consideration propose the conversion of AG or RL lands to more urbanized uses, often in locations outside of existing urban reserve lines (URL) or village reserve lines (VRL), we request that the EIR assess potential precedent setting and growth inducing impacts of the land use conversions under consideration. Specifically, the EIR should identify the existing inventory and projected buildout of undeveloped residential and commercial lands within existing URL and VRLs in the Nipomo area and assess the need for conversion of these lands at this time with respect to the existing inventory.

Again, we thank you for the opportunity to provide comment on this very important matter. Please contact me at (805) 781-5912 with any further questions.



5-100

5-70

County of Santa Barbara Planning and Development

John Patton, Director

COUNTY OF SANTA BARBARA PLANNING AND DEVELOPMENT

MEMORANDUM

TO: John McKenzie, Environmental Specialist

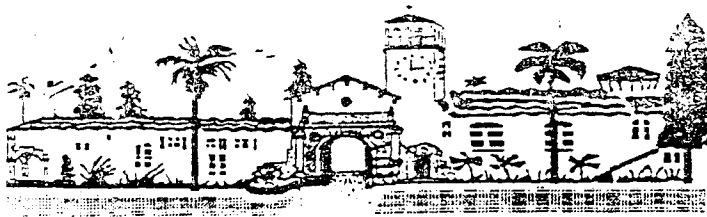
FROM: Mike Prater, Comprehensive Planning

DATE: December 18, 2000

RE: South County General Plan and Growth Management Ordinance Amendments

Thank you for the opportunity to comment on the proposed projects. Planning and Development has received as of December 15th your referral requesting comments on General Plan and Growth Management Ordinance Amendments. Santa Barbara County P&D has comments concerning individual and cumulative impacts associated with these amendments and request more time to review and respond with comments. I will contact you in the following days to confirm a specific deadline for our comments.

Mike Prater, Planner
Comprehensive Planning Division



5-101

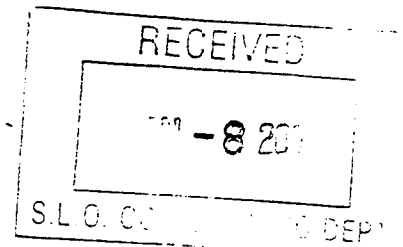
5-71

County of Santa Barbara Planning and Development

John Patton, Director

January 3, 2001

John McKenzie, Environmental Division
County Planning & Building Dept.
County Government Center, Rm 310
San Luis Obispo, CA 93408-2040



RE: San Luis Obispo South County General Plan and Growth Management Ordinance
Amendments

Dear Mr. McKenzie:

Thank you for providing the Santa Barbara County Planning & Development Department (P&D) with the opportunity to review and comment on the Referral. P&D reviewed the proposed projects and request that you address the following issues and obtain a copy of 95 OCP EIR and prepare a similar level of analysis in each issue area.

Water Resources/Groundwater: Santa Barbara County believes individual and cumulative significant impacts could occur within the Santa Maria Groundwater Basin as a result of the proposed projects. The basis for this conclusion is contained in the Board of Supervisors adopted Orcutt Community Plan, which determined that water to serve projected growth would exceed safe yield of the basin. Additional extractions from the basin to serve the proposed projects could have significant adverse impacts within the groundwater basin and agriculture in the Santa Maria Valley. The 95 OCP EIR classified this impact as Class II - significant but avoidable with inclusion of mitigation requiring supplemental water supply for new development be served by new water supplies (as opposed to continued pumpage of the groundwater basin).

In addition water conservation methods and artificial recharge programs should be considered but not as a long-term option.

Regional Circulation: Although traffic and circulation impacts at the proposed project level may not be significant, the volumes generated by buildout of the General Plan Amendments may create potentially significant congestion and contribute to the cumulative need to widen the existing bridge over the Santa Maria River. The potential recreational and shopping draw from both the Santa Maria/Orcutt area and the Nipomo area may generate additional northbound and southbound trips. To mitigate the 95 OCP EIR recommended bridge widening and Alternative Modes of Transportation including inter County transit, and provisions for Class I bike lanes. P&D suggest you consider SBCAG Regional Transportation Plan and Santa Barbara County Clean Air Plan.

Affordable Housing: With respect to residential use of the proposed projects a need for a variety of densities, especially higher densities, to meet the shortage of affordable housing at the very-

NIPOMO COMMUNITY



5-3107 SERVICES DISTRICTS. 72

BOARD MEMBERS

ROBERT BLAIR, PRESIDENT
AL SIMON, VICE PRESIDENT
RICHARD MOBRAATEN, DIRECTOR
MICHAEL WINN, DIRECTOR
JUDITH WIRSING, DIRECTOR

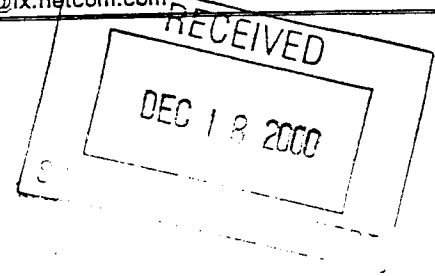
STAFF

DOUGLAS JONES, GENERAL MANAGER
JON SEITZ, GENERAL COUNSEL
LEE DOUGLAS, MAINTENANCE SUPERVISOR

148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326
(805) 929-1133 FAX (805) 929-1932 Email address - NCSD@ix.netcom.com

December 15, 2000

John McKenzie
Environmental Specialists
San Luis Obispo County
Planning Department Room 317
County Government Center
San Luis Obispo, CA 93401



SUBJECT: SOUTH COUNTY GENERAL PLAN AND GROWTH
MANAGEMENT ORDINANCE AMENDMENTS

The following are answers to questions from your correspondence dated December 6, 2000, referencing the above subject.

1. Identify areas NCSD could provide services

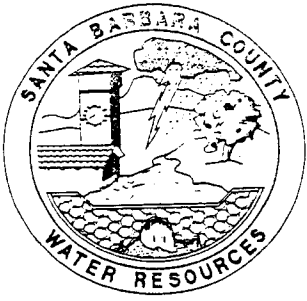
The District could provide sewer service to the Cypress Ridge Development, water and sewer service Woodlands, Nipomo Oaks/Melschau and the Brand projects and water to the Summit Station area. Although NCSD could provide service to the Patterson Academy and Green Canyon/Helenius Project, it is believed that those projects will have on-site sewage disposal facilities and individual wells for their water supply.

2. Urban Water Management Plan

The Urban Water Management Plan is required for all water agencies that have a customer base of 3,000 or more. The District has two independent water systems. One is the Town Division with 2,800 customers and the other is the Black Lake Division with approx. 550 customers. Since neither one of these has over 3,000 customers, the Urban Water Management Plan has not been completed. The District is presently working on one in anticipation of the Town Division shortly reaching the 3,000 customer base.

3. Does NCSD have adequate infrastructure?

NCSD has implemented a number of the suggested improvement from Boyle Engineering's "Water and Sewer Master Plan" dated 1995. The District has a contract with Boyle Engineering to update this "Plan" which will be completed in the spring of 2001. NCSD will continue to develop its infrastructure as needed. Presently, the District's Town Division's pumping capacity is approx. 3300 gallons per minute or approx. 4200 acre feet per year at 80% of the capacity. The Black Lake Division's capacity is approx. 700 gallons per minute or approx. 900 ac./ft. per year at 80% capacity. The estimated build-out capacity for the Town Division would be between 2500 and 3000 ac/ft/yr. Based on the build-out projection and the County's General Land Use Plan, the District's existing pumping capacity is adequate to meet build-out requirements.



5-103 5-73
Santa Barbara County Flood Control & Water
Conservation District and Water Agency

123 E. Anapamu Street, Santa Barbara, California 93101

(805) 568-3440 Fax: (805) 568-3434

Web: <http://www.publicworkssb.org/>

Phillip M. Demery
Public Works Director

Thomas D. Fayram
Deputy Public Works Director

RECEIVED

DEC 27 2000 December 19, 2000

Mr. John McKenzie, Environmental Specialist
Department of Planning and Building
San Luis Obispo County, California

RE: Comments on "South County General Plan and Growth Management Ordinance
Amendments", your Memo dated December 11, 2000

Dear Mr. McKenzie

Staff has reviewed the above referenced memorandum in which you request comment on "eight general plan amendments (two of which were authorized some time ago) and amendments to the County's Growth Management Ordinance." Your memo, which was received by this Agency on December 8, establishes a deadline of December 20, 2000 after which "[I]f this office does not hear from you within 14 days from the date of this referral we will assume you have no comments." Since our Board does not meet again until January 2, Water Agency Staff provides the following comments. In addition, we see no indication the Santa Barbara County Planning and Development Department has been approached for comment; as a courtesy we will forward a copy of your memorandum to them. You have provided insufficient time to for our agencies to coordinate; thus some of our comments may raise land use issues or may conflict with their comments. We expect you will take the time to reconcile any inconsistencies. Should you require clarification of any of these issues, please contact me at this office.

No adequate discussion of the project description(s) (or the discretionary actions subject to the initial study alluded to) is provided. Therefore our comments are necessarily general. Without clear and detailed project description, or an understanding of the discretionary action, we cannot suggest "mitigation" for potentially significant impacts.

We understand the California Environmental Quality Act to require a minimum of 45-day comment of the scope of an EIR. The text of your memorandum suggests the County has determined that at least one EIR is required. Thus we are at a loss to understand the point of offering this agency less than two weeks to comment on a series of related major land use decisions with potential implications to Santa Barbara County resources.

No clear location of the "South County" planning area in which these projects are located is given. The first Attachment to your memorandum (unlabeled), that we guess to be "attachment B", has neither scale nor locator map. However our review of project

RECEIVED

DEC 26 2000

CITY OF SAN LUIS OBISPO
BUILDING DIVISION

Letter to Mr. McKenzie
December 19, 2000

5-104

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names in "attachment A" suggests that the area is in the Nipomo Mesa area and our comments are based on this presumption.

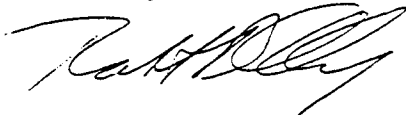
From the materials provided to this Agency, we suggest you develop some kind of master planning process for the Nipomo Mesa area because we see no apparent strategy to address the scope and pace of potential development in the area and likely effects on public services such as water supply.

Water supply has been and remains an important issue in the Nipomo Mesa area. Due to hydrogeologic conditions, ground water beneath the project area is regarded part of the Santa Maria Ground-water Basin. The Santa Maria Ground-water Basin is in the process of being adjudicated. We understand that there may be limitations in the supplemental supplies available to the area. Therefor the County should demonstrate that available supplies are adequate for the proposed development, and all future development possible under current and proposed zoning, without placing additional demand on ground water supplies. Specifically, it has been suggested that increased groundwater demand in the Nipomo Mesa area may reduce subsurface flow to other areas of the Santa Maria Basin. Pursuant to state policy, this demonstration should include an analysis of significant periods of drought.

Phase II NPDES storm-water quality regulations require medium sized communities comply with non-point source controls starting in 2003. If the anticipated growth in the Nipomo area causes some or all of these areas to be subject to Phase II regulations, we suggest you discuss what provisions will be required to protect and as appropriate, improve, storm-water quality as part of individual project design. In addition, you should indicate what provisions have been or will be made for these communities to fund compliance costs on a long-term basis. Due to relatively high recharge rates in the area, we suggest that storm-water quality protection is necessary to protect ground-water quality on a long-term basis even if NPDES Phase II regulations do not apply.

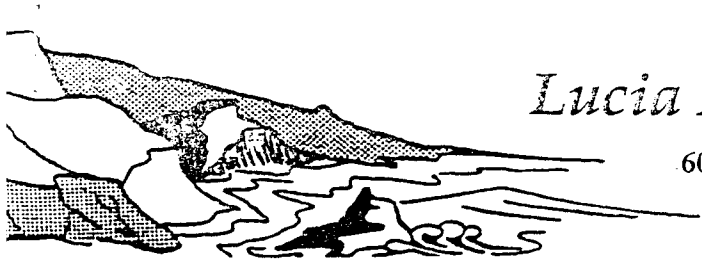
We request that the County notify us of any additional comment opportunities relating to major projects in this area.

Sincerely,



Robert Almy, Manager
Santa Barbara County Water Agency

Cc: 5th District, Santa Barbara County Board of Supervisors
Santa Barbara County Planning and Development Department



5-105
Lucia Mar Unified School District **5-75**

602 Orchard Street ♦ Arroyo Grande, CA 93420
(805) 473-4390 ♦ Fax: (805) 473-1593

ARROYO GRANDE

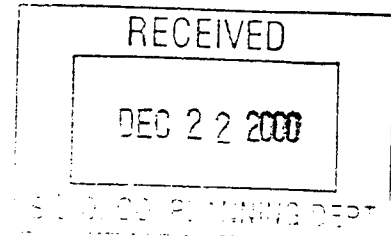
NIPOMO

GROVER BEACH

OCEANO

PISMO BEACH

December 19, 2000



Mr. John McKenzie, Environmental Specialist
Department of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Dear Mr. McKenzie:

Thank you for the opportunity to comment on the South County General Plan and Growth Management Ordinance Amendments.

Our school district is always concerned about the impact that new residential development has on our ability to provide additional classroom space. Of the eight general plan amendments outlined in your correspondence, the Woodlands Specific Plan raises the greatest concern. While your summary indicated that a school site may be included in this project, we have been assured privately and publicly by the developer that a school site will be included.

Additionally, we have some concerns that the Nipomo Oaks project will potentially impact our schools.

Thank you for your consideration.

Sincerely,

Mike Sears
Deputy Superintendent, Business

5-106 5-76
P A R K S

MEMO

D I V I S I O N

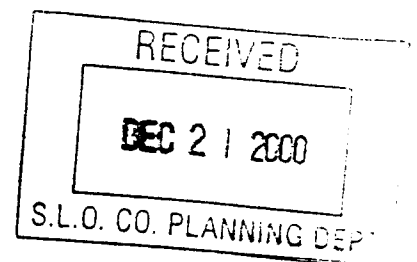
TO: John McKenzie

FROM: Jan Di Leo

DATE: December 20, 2000

RE: SOUTH COUNTY GENERAL PLAN AND GROWTH MANAGEMENT
ORDINANCE AMENDMENTS

Thank you for sending a referral on the South County proposed amendments. Parks Division has no comment regarding these projects at this time.





DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47

YOUNTVILLE, CALIFORNIA 94599

(707) 944-5500

5-107

GRAY DAVIS, Governor



January 30, 2001

CTD -

Mr. John McKenzie
County of San Luis Obispo
Department of Planning and Building
County Government Center, Room 310
San Luis Obispo, California 93408

Dear Mr. McKenzie:

South County General Plan and
Growth Management Ordinance Amendments
San Luis Obispo County

Department of Fish and Game personnel have reviewed San Luis Obispo County's preliminary request to provide input for eight general plan amendments to the County's Growth Management Ordinance in the Nipomo area. In particular, we were requested to direct our comments toward the cumulative impacts of the proposed projects on biological resources. Opportunities to provide project specific comments have and will occur during the California Environmental Quality Act (CEQA) process for each project.

Several populations of rare plants are known from the proposed project area including sand mesa manzanita (*Arctostaphylos rudis*), Well's manzanita (*Arctostaphylos wellsii*), Pismo clarkia (*Clarkia speciosa* ssp. *immaculata*), marsh sandwort (*Arenaria paludicola*), Gambel's watercress (*Rorippa gambelii*), Kellogg's horkelia (*Horkelia cuneata* ssp. *sericea*), and dune larkspur (*Delphinium parryi* ssp. *blochmaniae*). Pismo clarkia, marsh sandwort, and Gambel's watercress are listed under both the State and Federal endangered species acts. The remaining species are classified by the California Native Plant Society as rare and endangered in California and elsewhere. Since the project area encompasses a substantial portion of the entire range for many of these species, impacts need to be addressed at both the project and cumulative impact levels. While surveys to address impacts to the manzanita species above may be conducted at any time of year, surveys for the annuals will need to be conducted by a qualified botanist during the blooming period in order to adequately address impacts as required by the CEQA. These surveys should follow the

Conserving California's Wildlife Since 1870

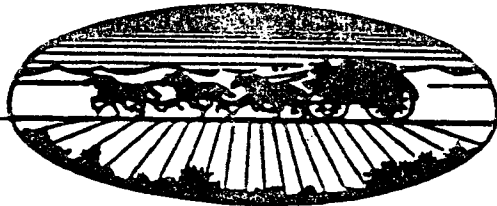
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City of

Arroyo Grande

COMMUNITY DEVELOPMENT



P.O. Box 550
214 East Branch Street
Arroyo Grande, CA 93421
Phone: (805) 473-5420
FAX: (805) 473-0386
E-Mail: agcity@arroyogrande.org

December 20, 2000

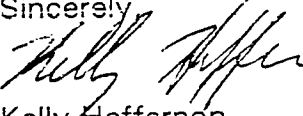
San Luis Obispo County
Department of Planning & Building
Attn: John McKenzie
County Government Center, Room 370
San Luis Obispo, CA 93408

Subject: Project Review: South County General Plan and Growth Management Ordinance Amendments

Dear Mr. McKenzie:

The Public Works and Community Development Departments have completed a cursory review of the above projects. The City of Arroyo Grande is primarily concerned with the possible traffic impacts that the Cypress Ridge project will have on the City's roadway network, particularly on the Brisco Road/Highway 101 interchange. The City has no comments on the remaining projects at this time; however, we would appreciate additional information on any of the proposed amendments that could affect the City of Arroyo Grande, as it becomes available.

We appreciate the opportunity to review these projects. If you have any questions or comments, please call me at 473-5420.

Sincerely

Kelly Heffernon
Associate Planner

c: Don Spagnolo, Public Works Director
Rodger Olds, Associate Engineer

5-109

5-79

Exhibit F

General Goals of the Land Use Element

Exhibit F**GENERAL GOALS OF THE LAND USE ELEMENT**

The following goals describe the fundamental purposes for the Land Use Element and Circulation Element. These general goals provide the basis for defining the 13 land use categories and for determining the land areas to which they are applied. More detailed goals, objectives and policies that address specific planning issues are presented in the other chapters of this report and in the area plans. The provisions of the Land Use and Circulation Elements are designed to carry out these goals. Proposed amendments to specific policies or the land use category maps should also carry out these goals. The policies and provisions of the Land Use Element should:

Environment

1. Maintain and protect a living environment that is safe, healthful and pleasant for all residents by conserving nonrenewable resources and replenishing renewable resources.
2. Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

Air Quality

3. Preserve and protect the air quality of the county by seeking to attain and maintain state and federal ambient air quality standards.
4. Determine, and mitigate where feasible, the potential adverse air quality impacts of new development.
5. Minimize the generation of air pollutants from projected growth by implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle and minimize travel distance and trip generation.

Population Growth

6. Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.

Distribution of Land Uses

7. Encourage an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of development for each community.
8. Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.
9. Identify important agricultural, natural and other rural areas between cities and communities and work with landowners to maintain their rural character.
10. Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities.

Phasing of Urban Development

11. Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities, and their programmed expansion where funding has been identified.
12. Encourage the phasing of urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to existing development.

Residential Land Uses

13. Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses.

Commercial and Industrial Land Uses

14. Designate a pattern of strategically located commercial and/or industrial areas compatible with overall land use that is convenient to patrons, realistically related to market demand and the needs of the community, and near areas designated for residential use.

Public Services and Facilities

15. Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.
16. Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.
17. Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions.
18. Locate new and additional public service facilities on existing public lands where feasible, allowing for sufficient buffers to protect adjacent rural and agricultural areas.

Circulation

19. Integrate land use and transportation planning in coordination with cities to ensure that traffic and transportation demands can be safely and adequately accommodated.
20. Design a transportation system that provides safety within feasible economic and technical means, preserves important natural resources and features, promotes the esthetic quality of the region and minimizes adverse environmental changes.

Administration

21. Work toward minimizing administrative delays and costs to fee payers in the administration of the Land Use Element. Simplify development review procedures and provide incentives for development to locate where plan policies encourage it to occur.
22. Work closely with cities to provide continuity between city and county land use planning and to achieve common land use goals through reciprocal agreements.

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Exhibit G

Guidelines for Land Use Category Amendments

**GUIDELINES FOR LAND USE CATEGORY AMENDMENTS
FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT**

1. **Existing planning policies.** Whether the proposed land use category is consistent with the following:
 - a. Applicable policies in the various elements of the General Plan (Land Use, Open Space, Conservation, Circulation, Housing, Safety, Noise);
 - b. The general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element);
 - c. The purpose and character statements for land use categories in Section B, description of land use categories;
 - d. Uses listed in Table O, list of allowable uses; and
 - e. The text, standards and maps of the area plans (Part II of the Land Use Element).
2. **Area character.** Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, neighborhood and style of development in the surrounding area.
3. **Environmental impacts.** The proposed amendment should not enable development that would cause potential significant adverse environmental impacts as determined through an environmental determination prepared by the Office of the Environmental Coordinator, unless such impacts can be adequately mitigated or a statement of overriding considerations can be adopted in accordance with the California Environmental Quality Act.
4. **Accessibility/circulation.** Whether the site of the proposed amendment is located with convenient access to a road system in the vicinity that is adequate to accommodate the traffic generated by the type and intensity of development allowed by the amendment.
5. **Soils classification.** Whether the proposed amendment gives consideration to protecting prime agricultural soils (SCS Class I and II, irrigated) for potential agricultural use. Proposals in other soil classifications should be reviewed together with other site features to determine if the proposed amendment could unnecessarily limit, reduce or eliminate potentially viable agricultural uses.
6. **Slope and other terrain characteristics.** Whether site terrain would be predominantly retained in its existing configuration by development enabled by the proposed amendment? Whether development resulting from the proposed amendment would retain the overall contour of a site such that more intensive development occurs on flatter land and low-density development is accommodated by steeper terrain.
7. **Vegetation.** Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native plant

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communities that provide wildlife habitat or include rare and endangered plant or animal species.

8. **Hazards.** Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
9. **Existing parcel size and ownership patterns.** Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
10. **Availability of public services and facilities.** Whether the proposed amendment is located in an area with demonstrated availability of needed public services and facilities and, where applicable, whether it is suitable for on-site sewage disposal and has an adequate groundwater supply. To the extent that proposed amendments will create a demand for services, amendments in the urban and village areas should demonstrate that services for water supply, sewerage, streets, public safety, schools and parks are planned to be available within the horizon year of the applicable area plan, or a capital improvement program is in effect to provide for any such services that are currently deficient, or such services and facilities will be provided as a result of approved development following the amendment.
11. **Land inventory.** Whether the amendment, with the uses it would allow, is needed to provide a sufficient supply of land for the population of the community or area that is projected within planned resources, services and facilities.

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Exhibit H

Purpose and Character Statements for Residential Rural, Recreation, and Public Facilities

EXHIBIT H

**PURPOSE AND CHARACTER STATEMENTS
FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT
*Residential Rural, Recreation and Public Facilities***

The statements of purpose and character are to be used as criteria for evaluating whether a Land use Element amendment is appropriate for a specific site, neighborhood or community. The statements of category purpose and character are not to be used to evaluate development proposals. The purpose statements are objectives related to the goals in Chapter 8. Character statements identify suitable features or conditions for the location, extent and timing of designating a land use category. These statements also are the basis for establishing allowable uses in Table O.

RESIDENTIAL RURAL**Purpose**

- a. To provide for residential development at a low density compatible with a rural character and life-style which maintains the character of the open countryside and is compatible with surrounding agricultural uses.
- b. To allow limited, compatible non-residential uses commensurate with rural parcel sizes.
- c. To emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open space areas are maintained as part of a residential life-style.
- d. To encourage agricultural and other open space uses as part-time or incidental "hobby" activities, such as horse raising or specialty farming.

Character

- a. Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres.
- b. Areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas.
- c. Areas with slopes generally less than 30%.
- d. Areas with marginal agricultural soils.
- e. Areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards.
- f. Areas generally free of fragile natural resources.

- g. Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged.
- h. Areas where horses and other similar farm animals are allowed accessory to residential uses.
- i. Areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

RECREATION

Purpose

- a. To identify areas having recreational potential where private or public development of recreational uses can be encouraged when not in conflict with surrounding rural and agricultural uses.
- b. To allow for recreation and resort-oriented development that will be incidental to outdoor recreation on the same site.
- c. To allow recreation and resort-oriented development where significant public recreational resources are available in the immediate vicinity.
- d. To provide for public park and recreation areas when not in conflict with surrounding rural and agricultural land uses.

Character

- a. Areas of existing and/or proposed recreational uses that emphasize and retain a recreational resource on a significant portion of the site.
- b. Areas shown on an adopted State Park System Master Plan or on acquisition lists of the state or county parks and recreation departments.
- c. Areas of existing public recreational uses.
- d. Areas with a natural or man-made recreational resource that will serve particular public recreational needs and should be protected from the encroachment of residential and commercial activity.
- e. Areas where residential uses can be integrated into a mixed-use resort development, secondary to outdoor recreational activities, that is to be approved under the Development Plan requirements of the Land Use Ordinance.
- f. Areas reserved for active and intensive recreational activities, such as golf courses and campgrounds.
- g. Existing established state, county or city park holdings, and areas of the national forest where active recreation uses exist.

PUBLIC FACILITIES**Purpose**

- a. To identify lands and structures committed to public facilities and public agency uses that benefit the public. For proposed public facilities, where site selection has not occurred, site selection criteria are included in the chapter entitled "Combining Designations and Proposed Public Facilities," with development guidelines for establishing the uses.
- b. To provide areas for development of public facilities to meet public needs.
- c. To identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served.
- d. To identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

Character

- a. Areas with existing public or quasi-public facilities and uses, or publicly-owned lands intended for development with public facilities.
- b. Areas that satisfy the specialized site location requirements of public agencies, where facilities will be visible and accessible to their users.
- c. Areas without known natural or man-made hazards.

EXHIBIT F**General Goals of the Land Use Element****A. GENERAL GOALS**

The following goals describe the fundamental purposes for the Land Use Element and Circulation Element. These general goals provide the basis for defining the 13 land use categories and for determining the land areas to which they are applied. More detailed goals, objectives and policies that address specific planning issues are presented in the other chapters of this report and in the area plans. The provisions of the Land Use and Circulation Elements are designed to carry out these goals. Proposed amendments to specific policies or the land use category maps should also carry out these goals. The policies and provisions of the Land Use Element should:

Environment

1. Maintain and protect a living environment that is safe, healthful and pleasant for all residents by conserving nonrenewable resources and replenishing renewable resources.
2. Balance the capacity for growth allowed by the Land Use Element with the sustained availability of resources.

Air Quality

3. Preserve and protect the air quality of the county by seeking to attain and maintain state and federal ambient air quality standards.
4. Determine, and mitigate where feasible, the potential adverse air quality impacts of new development.
5. Minimize the generation of air pollutants from projected growth by implementing land use policies and programs that promote and encourage the use of transportation alternatives to the single-passenger vehicle and minimize travel distance and trip generation.

Population Growth

6. Provide for a sustainable rate of orderly development within the planned capacities of resources and services and the county's and citizens' financial ability to provide them.

Distribution of Land Uses

7. Encourage an urban environment that is an orderly arrangement of buildings, structures and open space appropriate to the size and scale of development for each community.
8. Maintain a distinction between urban and rural development by providing for rural uses outside of urban and village areas which are predominately agriculture, low-intensity recreation, residential and open space uses, which will preserve and enhance the pattern of identifiable communities.
9. Identify important agricultural, natural and other rural areas between cities and communities and work with landowners to maintain their rural character.

10. Encourage the protection of agricultural land for the production of food, fiber, and other agricultural commodities.

Phasing of Urban Development

11. Design and maintain a land use pattern and population capacity that is consistent with the capacities of existing public services and facilities, and their programmed expansion where funding has been identified.
12. Encourage the phasing of urban development in a compact manner, first using vacant or underutilized "infill" parcels and lands next to existing development.

Residential Land Uses

13. Locate urban residential densities within urban or village reserve lines near employment areas, while protecting residential areas from incompatible and undesirable uses.

Commercial and Industrial Land Uses

14. Designate a pattern of strategically located commercial and/or industrial areas compatible with overall land use that is convenient to patrons, realistically related to market demand and the needs of the community, and near areas designated for residential use.

Public Services and Facilities

15. Provide additional public resources, services and facilities to serve existing communities in sufficient time to avoid overburdening existing resources, services and facilities.
16. Avoid the use of public resources, services and facilities beyond their renewable capacities, and monitor new development to ensure that its resource demands will not exceed existing and planned capacities or service levels.
17. Finance the cost of additional services and facilities from those who benefit by providing for dedications, in-lieu fees or exactions.
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19. Integrate land use and transportation planning in coordination with cities to ensure that traffic and transportation demands can be safely and adequately accommodated.
20. Design a transportation system that provides safety within feasible economic and technical means, preserves important natural resources and features, promotes the esthetic quality of the region and minimizes adverse environmental changes.

Administration

21. Work toward minimizing administrative delays and costs to fee payers in the administration of the Land Use Element. Simplify development review procedures and provide incentives for development to locate where plan policies encourage it to occur.
22. Work closely with cities to provide continuity between city and county land use planning and to achieve common land use goals through reciprocal agreements.

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EXHIBIT G

GUIDELINES FOR LAND USE CATEGORY AMENDMENTS FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT

1. **Existing planning policies.** Whether the proposed land use category is consistent with the following:
 - a. Applicable policies in the various elements of the General Plan (Land Use, Open Space, Conservation, Circulation, Housing, Safety, Noise);
 - b. The general goals in Chapter 1 of Framework for Planning (Part I of the Land Use Element);
 - c. The purpose and character statements for land use categories in Section B, description of land use categories;
 - d. Uses listed in Table O, list of allowable uses; and
 - e. The text, standards and maps of the area plans (Part II of the Land Use Element).
2. **Area character.** Whether the proposed land use category is compatible with allowed land uses in surrounding land use categories. Whether the potential types of development resulting from a proposed amendment would adversely affect the existing or planned appearance of the countryside, neighborhood and style of development in the surrounding area.
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7. **Vegetation.** Whether the proposed amendment enables development that would retain significant vegetation such as oak woodlands or other mature tree forests and native plant communities that provide wildlife habitat or include rare and endangered plant or animal species.
8. **Hazards.** Whether the proposed amendment has been evaluated with respect to potential building limitations due to flood, fire or geologic hazards, so that subsequent development will be feasible in relation to the uses allowed by the proposed amendment.
9. **Existing parcel size and ownership patterns.** Whether the proposed amendment enables development of a type and scale consistent with surrounding parcel sizes and ownership patterns.
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11. **Land inventory.** Whether the amendment, with the uses it would allow, is needed to provide a sufficient supply of land for the population of the community or area that is projected within planned resources, services and facilities.

EXHIBIT H**PURPOSE AND CHARACTER STATEMENTS
FRAMEWORK FOR PLANNING - PART I OF THE LAND USE ELEMENT
Residential Rural, Recreation and Public Facilities**

The statements of purpose and character are to be used as criteria for evaluating whether a Land use Element amendment is appropriate for a specific site, neighborhood or community. The statements of category purpose and character are not to be used to evaluate development proposals. The purpose statements are objectives related to the goals in Chapter 8. Character statements identify suitable features or conditions for the location, extent and timing of designating a land use category. These statements also are the basis for establishing allowable uses in Table O.

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- c. To emphasize residential uses in areas where agriculture is clearly a secondary use, or where agriculture is not feasible yet large open space areas are maintained as part of a residential life-style.
- d. To encourage agricultural and other open space uses as part-time or incidental "hobby" activities, such as horse raising or specialty farming.

Character

- a. Areas of existing small-acreage parcels no more than three miles from urban reserve lines that are not commercially viable for agriculture, where the average parcel size within any contiguous area is below 19 acres.
- b. Areas that are outside of urban and village areas and connected to them by county-maintained roads, although exceptions may be observed for existing older subdivided areas.
- c. Areas with slopes generally less than 30%.
- d. Areas with marginal agricultural soils.
- e. Areas with a rural landscape high in visual quality (for example, woodlands, hills, rock formations, existing agriculture and ag accessory buildings) where clustering of allowed densities to less sensitive portions of a site is encouraged to be required through planning area standards.
- f. Areas generally free of fragile natural resources.

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- g. Areas where growth will not be premature with respect to utility and public service capacities, or in conflict with agricultural, commercial, or industrial uses. Light agricultural uses are to be encouraged.
- h. Areas where horses and other similar farm animals are allowed accessory to residential uses.
- i. Areas where public services demands are limited, septic tanks and individual wells can suffice for required water and sewer capability.

RECREATION

Purpose

- a. To identify areas having recreational potential where private or public development of recreational uses can be encouraged when not in conflict with surrounding rural and agricultural uses.
- b. To allow for recreation and resort-oriented development that will be incidental to outdoor recreation on the same site.
- c. To allow recreation and resort-oriented development where significant public recreational resources are available in the immediate vicinity.
- d. To provide for public park and recreation areas when not in conflict with surrounding rural and agricultural land uses.

Character

- a. Areas of existing and/or proposed recreational uses that emphasize and retain a recreational resource on a significant portion of the site.
- b. Areas shown on an adopted State Park System Master Plan or on acquisition lists of the state or county parks and recreation departments.
- c. Areas of existing public recreational uses.
- d. Areas with a natural or man-made recreational resource that will serve particular public recreational needs and should be protected from the encroachment of residential and commercial activity.
- e. Areas where residential uses can be integrated into a mixed-use resort development, secondary to outdoor recreational activities, that is to be approved under the Development Plan requirements of the Land Use Ordinance.
- f. Areas reserved for active and intensive recreational activities, such as golf courses and campgrounds.
- g. Existing established state, county or city park holdings, and areas of the national forest where active recreation uses exist.

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PUBLIC FACILITIES

Purpose

- a. To identify lands and structures committed to public facilities and public agency uses that benefit the public. For proposed public facilities, where site selection has not occurred, site selection criteria are included in the chapter entitled "Combining Designations and Proposed Public Facilities," with development guidelines for establishing the uses.
- b. To provide areas for development of public facilities to meet public needs.
- c. To identify adequately sized facility locations that satisfy both community and regional needs relating to the population levels being served.
- d. To identify facility sites based on the character of the area being served and also compatible with and supportive of the comprehensive plans of agencies within the facility service area.

Character

- a. Areas with existing public or quasi-public facilities and uses, or publicly-owned lands intended for development with public facilities.
- b. Areas that satisfy the specialized site location requirements of public agencies, where facilities will be visible and accessible to their users.
- c. Areas without known natural or man-made hazards.

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EXHIBIT I

**Final Environmental Impact Report for the Craig/Lucia Mar Unified School District
Land Use Ordinance Amendment
(Clerk's File)**